



**CITY OF PITTSFIELD
POLICE DEPARTMENT**

POLICE HEADQUARTERS, 39 ALLEN STREET, PITTSFIELD, MASSACHUSETTS 01201 (413) 448-9700, FAX (413) 448-9733

OFFICE OF THE CHIEF OF POLICE

(413) 448-9717

PROFESSIONALISM • ETHICS • INTEGRITY • SENSITIVITY • ACCOUNTABILITY

October 11, 2011

Officer Barber:

Be advised that in regard to the citizen's complaint (2010-IA-027), which was lodged against you by [REDACTED] on November 19, 2010, a departmental investigation has resulted in the following finding:

SUSTAINED: The complaint was valid and supported by sufficient evidence.

A copy of this notice has been placed in your Internal Affairs file and you will receive specific details regarding progressive discipline under separate cover.

Respectfully,


Michael J. Wynn
Chief of Police



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October 11, 2011

[REDACTED]
Pittsfield, MA 01201

[REDACTED]

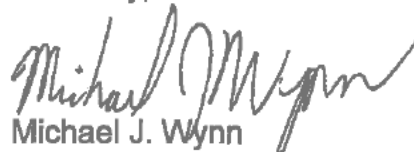
Be advised that your complaint, dated November 19, 2010, has been investigated by members of my command staff and extra-departmental resources. Based on the available evidence, the portions of the complaint have been ruled sustained.

SUSTAINED: The complaint was valid and supported by sufficient evidence.

As a result of this determination, [REDACTED] has been taken.

If you have any questions or concerns, you may contact me at 448-9717.

Sincerely,


Michael J. Wynn
Chief of Police



CITY OF PITTSFIELD
POLICE DEPARTMENT

DEPARTMENT MEMORANDUM

TO: James M. Ruberto, Mayor

FROM: Michael Wynn 
Chief of Police

C: Fernand Dupere, Attorney
FILE

RE: Internal Affairs Investigation 2010-IA-027 (Officer Miles Barber)

DATE: March 5, 2011

Sir,

Based on my review of the attached Internal Affairs investigation allegations and specifications, I believe that the nature of the offenses merits punishment that exceeds my authority to impose discipline. I have spoken with Attorney Dupere, and he agrees with my determination.

Therefore, I am requesting that you appoint a hearings officer to hear testimony regarding these alleged violations. I respectfully request that you make this appointment and schedule the hearing as soon as possible, due to the age and duration of the investigation.

Officer Barber has been served with notice of my intention and the applicable Massachusetts General Laws. He has been informed that hearing notification will come directly from your office. He has also been advised that he can waive his right to this hearing and accept the recommended punishment.

Thank you for your time and consideration to this matter.

"DEDICATED TO EXCELLENCE"



CITY OF PITTSFIELD
POLICE DEPARTMENT

DEPARTMENT MEMORANDUM

TO: Officer Miles Barber

FROM: Michael Wynn *MW*
Chief of Police

C: James M. Ruberto, Mayor
Fernand Dupere, Attorney
FILE

RE: Allegations and Specifications

DATE: March 5, 2011

On Friday November 19, 2010, the Pittsfield Police Department received a Citizen's Complaint from [REDACTED] alleging multiple counts of misconduct against Officer Miles Barber. This complaint resulted in a request for an independent [REDACTED] investigation to be conducted by detectives assigned to the Massachusetts State Police Berkshire Detective Unit, as well as a separate Internal Affairs investigation to be conducted by members of the Pittsfield Police Department's Command Staff. At the time this complaint was received, Officer Barber was the subject of a separate Administrative Investigation, being conducted by his Division Commander, Captain David Granger. The investigative scope of the Administrative Investigation was to determine to what extent Officer Barber had been involved in an unauthorized, out-of-policy investigation into allegations of misconduct by another department employee.

I have reviewed the investigative report, supporting attachments and findings completed by Captain Patrick Barry in reference to Internal Affairs Investigation 2010-IA-027 ([REDACTED] M. Barber). I have also reviewed the investigative report, supporting attachments and findings completed by Captain David Granger in reference to the above mentioned Administrative Investigation. Although the Administrative Investigation was in progress prior to receiving Complaint # 2010-IA-027, it was not submitted until the Internal Affairs investigation was well under way. Due to the contemporaneous submission of the two reports, clear overlap of some of the allegations contained within the reports, no prior separate imposition of discipline in the Administrative Investigation, and on the advice of labor counsel, these two investigations are being bundled and treated as one inquiry for the purpose of determining appropriate [REDACTED]

Administrative Investigation

Through his Administrative Investigation, Captain Granger determined that Officer Barber had violated several sections of the Pittsfield Police Department's Rules and Regulations. Specifically:

- [REDACTED]
- [REDACTED]
- [REDACTED]

In addition to the above findings, Captain Granger's report alludes to one additional violation, concerning the Department's Internal Affairs Policy. Captain Granger references this Policy in describing Officer Barber's actions upon being informed of [REDACTED] by another Department employee, but does not issue a finding regarding this violation.

Upon reviewing Captain Granger's investigation, I have made the following determinations:

- [REDACTED]
[REDACTED] **This allegation is Sustained.**

- [REDACTED]
[REDACTED] **This allegation is Sustained.**

"DEDICATED TO EXCELLENCE"

[REDACTED]

This allegation is Sustained. [REDACTED]

[REDACTED] Therefore, while the violation is sustained, this violation will not be considered in determining discipline at this time.

[REDACTED]

This allegation is Sustained.

[REDACTED]

Citizen Complaint Investigation

Through his Internal Affairs Investigation, Captain Barry determined that Officer Barber had violated several sections of the Pittsfield Police Department's Rules and Regulations. Specifically:

[REDACTED]

This allegation is sustained.

[REDACTED]

This allegation is sustained.

"DEDICATED TO EXCELLENCE"

[REDACTED]

▪ [REDACTED] This allegation is Sustained.

▪ [REDACTED] This allegation is Sustained.

▪ [REDACTED] In this regard, the This allegation is sustained.

▪ [REDACTED] This allegation is Sustained.

▪ [REDACTED] This allegation is Sustained.

▪ [REDACTED] This violation is Sustained.

▪ [REDACTED]

"DEDICATED TO EXCELLENCE"

[REDACTED]

This allegation is FILED.

[REDACTED]

Conclusions

Upon review, I have determined that these investigations have sustained the following ten violations:

[REDACTED]

One (1) Count
Four (4) Counts
One (1) Count
Four (4) Counts

"DEDICATED TO EXCELLENCE"

**PITTSFIELD POLICE DEPARTMENT
DETECTIVE CAPTAIN PATRICK F. BARRY
REPORT TO THE CHIEF**

TO: CHIEF WYNN

28 FEBRUARY 2011

**RE: [REDACTED] COMPLAINT AGAINST OFFICER
MILES BARBER**

On, Friday, 19 November, 2010 [REDACTED] came to the Pittsfield Police Department and filed a citizen complaint about several incidents involving Officer Barber. Captain Granger and Lieutenant Bradford spoke with [REDACTED]. Captain Granger completed a citizen's complaint form, based on what she said.

The complaint alleges [REDACTED]
[REDACTED]
[REDACTED]

19 November 2010 around 0500 hours, outside the complainant's house. It states that Officer Barber "[REDACTED]"
[REDACTED]

uniform at these times - no specifics given. It also states that complainant stated that [REDACTED] occasion. Additionally, it states that the complainant believes there is a listening device in her house.

This complaint form is attached.

Lt Bradford completed a report documenting the interview. The key points of his report are reflected below:

1. On 19 November 2010 Sgt Hill told him and Captain Granger that a woman was at the station to file a complaint against Officer Barber. Captain Granger and the lieutenant met with the complainant, [REDACTED] in the report room. She was with her friend, [REDACTED]. She gave the officers an overview of her on and off [REDACTED] with Officer Barber. This included the last breakup on 9 November. [REDACTED]

[REDACTED] said Officer Barber had been texting her repeatedly, calling her, and driving past her home. She said she is [REDACTED] Officer Barber. She told them about an incident on 15 November wherein Officer Barber showed up on duty at her apartment, around 0316 hours, pounding on her doors and windows, after she did not respond to his texts or calls. She said this woke [REDACTED]. She said he sent her another text after this, at 0338 hours. She saved the texts as well as other recent texts.

2. The report documents her telling them about the incident on 19 November about 0500 hours. It states that she said that about 0500 hours she was outside on her front porch and Officer Barber pulled his cruiser up and asked if he could speak to her. He then came onto the porch [REDACTED]

3. The report indicates the complainant stated she and Officer Barber had [REDACTED]. When asked if Officer Barber ever [REDACTED]

[REDACTED] She also reported that Officer Barber had been running licenses plates of people visiting her. She also explained about Officer Barber leaving his gun in his gun belt, while she brought him to the [REDACTED] after he showed up at her place on duty, and became [REDACTED]

4. She was advised of the [REDACTED] and said she wanted one. Arrangements were made by Captain Granger to assist her in getting one. [REDACTED]

Lt Bradford's report is attached.

On Friday, 19 November, Lt Grady and I were assigned to investigate the complaint administratively. The state police were asked to investigate the complaint [REDACTED]. Captain Richard Smith of the State Police Detective Unit assigned to the Berkshire County District Attorney's office was the lead investigator for the [REDACTED] investigation. He completed his investigation. He provided me with a copy of the report on Monday, 14 February, 2011. I reviewed this report, and its attachments.

After consultation with the district attorney's office, the investigation was stopped. Officer Barber never did give a statement to the state police about her allegations. This report and its attachments are attached to this report. I will be referencing segments of the report, and attachments, in this investigative report.

Officer Barber was placed on [REDACTED] based on the allegations made against him by [REDACTED] and a pending [REDACTED]

On Friday, 19 November, I phoned the complainant, and explained that the case had been assigned to Lt Grady and I for investigation. I told her that I wanted to schedule her for a statement. I made an appointment to interview her on Saturday, 20 November, at the police station.

On Saturday, 20 November, Lt Grady and I interviewed [REDACTED]. After she finished telling us about her interactions with Officer Barber, I filled out another citizen's complaint form listing the significant allegations, based on what she told us. I then read the allegations back to her. I then had her read and sign the complaint.

She did not mention any [REDACTED]. However, her initial unsigned complaint did, and Captain Granger's report did. Therefore, I questioned her about that. She stated that she had reported to Captain Granger about the incident on her porch the morning of Friday, November 19th, that included [REDACTED] and that may have been why he wrote it up the way he did.

Her signed complaint is attached. Her complaint alleges the following:

1. Visiting her home for significant amounts of time on several different dates while on duty.
2. Leaving gun and gun belt at her apartment.
3. [REDACTED] at her residence on several different occasions while on duty.
4. On 15 November, knocking on her doors and windows on while on duty.

5. Knocking on her doors and windows at other times while on duty.
6. [REDACTED]
7. On 19 November, placing her in a [REDACTED] on duty.
8. Running license plates and criminal records on people.
9. Bringing [REDACTED] while on duty.
10. Sleeping on duty.

After the interview, I scheduled [REDACTED] for a formal statement on Sunday, 21 November, in the interview room. This statement was audio and video recorded, and a transcript was subsequently made. The transcript is attached. The following is a summary of [REDACTED] statement:

1. She was in a [REDACTED] with Officer Barber from the end of May, 2010 through 9 November, 2010.
2. They would see each other pretty much every day. He would come over while he was on duty probably three times a week. On one of the three nights they would [REDACTED]
3. He would stay until he got a call. If he didn't get a call he would stay more than an hour.
4. He would park out in front of her house and he would be in uniform. He would arrive from anytime between one and six am. Sometimes if he got a call he would come back in the same night.
5. The nights they had [REDACTED]
Sometimes [REDACTED]
[REDACTED] [REDACTED]

6. Sometimes when he came over he would just sit on the couch and rest. Sometimes he would lie down and rest and she would just go about her morning.

7. She stated that he slept at her house on duty a couple of times a week. He would sleep either on her bed or on the couch.

8. When he would get calls on the radio he would call in his location as West St.

9. [REDACTED] stated it was her home and Officer Barber did not live there.

10. [REDACTED] has three children. [REDACTED] is eleven, [REDACTED] is eight, and [REDACTED] is six. The [REDACTED] have seen Officer Barber at the home while he was on duty.

11. Some of the neighbors know that Officer Barber would come to visit her.

12. On 19 November, 2010, about 5:00 am she was outside having a cigarette. She saw him drive down the street in a cruiser. He turned around and came back and rolled his window down. He asked her if she wanted to talk to him. She told him "no." He got out of the car anyway and came onto the porch. They talked about nothing for a few minutes. She went to walk away from him and [REDACTED]

[REDACTED]

She thought the whole incident lasted about an hour.

13. On 15 November, there was another incident. Officer Barber started to call her at 1:58 am. She thinks it was five calls in a row minutes apart. She stated that it was common when they would break up for him to call her repeatedly and if she didn't respond he would show up at her house. She was expecting that he would eventually show up. He showed up and pounded on the front door. She had just got up. It had to be 3:15 am. She

walked past the door and could see him in the doorway. She told him to go away. She heard him turn the knob on the door. She went to get her coffee and he was pounding on the bedroom windows. She kept telling him to go away. He told her he wanted to talk about [REDACTED] and his rap sheet. She already knew he wasn't a [REDACTED]. She stated it was none of Mile's business. Officer Barber went back to his cruiser and sent her a text at 3:38 am. Officer Barber was at the house between 3:16 am to 3:38 am pounding on the windows and doors. [REDACTED] stated it woke her [REDACTED] up. She heard the [REDACTED]

14. [REDACTED] stated that he would come over approximately three times a week. It wasn't pre-arranged. He would text her when he was there. If they were [REDACTED] he would text and she usually wouldn't answer. He would knock on her bedroom window to let him in.

15. They were on again off again quite a bit. When they were off again he would knock on her bedroom window to let him in. When they were on again he would text her and she would unlock the door and let him in.

16. The last time she responded to him either by e-mail, text, voicemail, one on one conversation was on 9 November. That was the final break up. They agreed to "you leave me alone and I'll leave you alone".

17. [REDACTED] stated that during one of their break ups he came over and seemed fine. Within minutes he was [REDACTED]. She brought him to the [REDACTED]. He left the cruiser parked at her house and he left his police belt and vest on her kitchen table. She had put the belt and vest in the back of her car. She realized she shouldn't have his gun in her car and she contacted [REDACTED] (Officer [REDACTED] friend), to contact [REDACTED] to get the gun out of her car. She remembers he contacted the station to let them know he was [REDACTED] and for them to pick the cruiser up.

18. [REDACTED] stated one time she had been joking around about never using [REDACTED]

[REDACTED]
[REDACTED]r. This happened while he was working and in his uniform.

19. I asked her about record checks and license plate checks. [REDACTED] stated she knew Officer Barber had run her information because he had commented on her [REDACTED]. She also spoke of [REDACTED] being the [REDACTED] and Officer Barber telling her that his record wasn't [REDACTED].

20. She stated that she had a [REDACTED]. She said she had never had one before but when she started dating Officer Barber she went and got one. There was an incident that an officer didn't take as [REDACTED]. Officer Barber got upset and he took it upon himself to make sure it was considered a [REDACTED]. [REDACTED] was [REDACTED] on a Friday before a holiday weekend and he was [REDACTED] up until Tuesday morning. She believes Officer Barber talked to the Chief to assist in making it a [REDACTED] and getting [REDACTED].

21. They were broken up and her friend [REDACTED] came over and they were having some wine on the porch. [REDACTED] car was in the driveway. They saw a cruiser come down the street and pull right in behind her car for seconds and back out and go away. She gave [REDACTED] his cell phone number and she sent him a text asking him if he ran her plate. He responded to her by name and said that she had busted him.

22. She stated he ran the plates to her neighbor [REDACTED] cars and that he was trying to get information on [REDACTED] (another neighbor). She stated Officer Barber ran the plates because he wanted to know why [REDACTED] who worked at a [REDACTED] had a BMW and two or three other cars in the driveway.

23. She stated that Officer Barber couldn't accept that she had a friend that was a guy. [REDACTED] was a friend of hers. Officer Barber ran his information and called and texted her with all of his history. She stated Officer Barber left her a voice mail saying he didn't care if she brought it to the cops but [REDACTED]. She stated that Officer Barber told her that [REDACTED] had gotten into an [REDACTED].
[REDACTED]

24. She stated that Officer Barber told her that he ran plates. She told him she didn't think that was allowed and he said she could never prove it.

25. She listed several names that she believed Officer Barber may have run. They were [REDACTED] [REDACTED] and [REDACTED]

26. [REDACTED] stated that Officer Barber left her a voice mail which said he stated he could make it where she would [REDACTED]
[REDACTED]

27. [REDACTED] stated she had twenty text messages and two voice mails saved from Officer Barber. She said he uses two phones and the numbers are [REDACTED] and [REDACTED]. One phone is from a real estate company and the other is from [REDACTED]. The [REDACTED] number is the one he texts from. The twenty text messages are from the [REDACTED] number.

28. [REDACTED] stated that Officer Barber works for [REDACTED]
[REDACTED]

29. [REDACTED] stated that when they first got together Officer Barber was almost bragging about his [REDACTED] having a police escort to [REDACTED]. When [REDACTED] started up he would go to his mother's house where his [REDACTED] would stay while he was working. He would pick her up and drive her to [REDACTED]. She believed his mother lived in [REDACTED]. She stated that Officer Barber had told her he brings his [REDACTED] to [REDACTED] and she has also seen him dropping her off. She stated that if he's working and it's a [REDACTED] day he's dropping her off.

After the audio video statement was completed, [REDACTED] stated she forgot to mention a few things. She told us the following:

1. She told us on Friday morning, 19 November, while she was bringing her [REDACTED], she was traveling in her vehicle on East Street and past a cruiser parked on [REDACTED] Street about 0740 hours in the morning. She stated that Officer Barber was in the car.

2. She said that a little later that morning, shortly after 0800 hours, she was pulling into the Mobil Station at the intersection of Dalton and Benedict Road, and that Officer Barber pulled in there in his police car.

3. She told [REDACTED] whom she works with at [REDACTED] office, and [REDACTED] the owner of [REDACTED] about Officer Barber's call threatening to make her [REDACTED]

4. There was an unknown woman who walked by on Friday morning, 19 November, while Officer Barber had her in a [REDACTED]

[REDACTED] also stated that she had voice mail messages saved on her phone, that Officer Barber had sent her. She agreed to let us listen to these messages, and she played them. I then asked for permission to record them. She granted permission. I later recorded them into a tape recorder. I had a transcript made of the recordings. This transcript is attached. This transcript contains words that indicate that Officer Barber provided her information from departmental records about a person named [REDACTED] for the sake of her [REDACTED]. Additionally, she told us about a [REDACTED] video that she said Officer Barber sent her with a word message. I asked her to show us the message and the video. She did so. There was nothing violative of the rules and regulations apparent, and nothing relevant to the investigation, so I did not obtain copies of that.

I phoned [REDACTED] several times on Saturday, 20 November. Eventually I spoke to her and asked her about her involvement in accompanying [REDACTED] to the station, and if she had any relevant information. She said she was concerned out of friendship and because she had overheard phone calls Officer Barber had placed to [REDACTED]

On Saturday, 20 November 2010, Lt Grady and I interviewed [REDACTED] at her apartment on [REDACTED] Street, at 1100 hours. She lives [REDACTED] directly above the complainant. Her address is [REDACTED] Street, apartment [REDACTED]. The following is a summary of the interview:

1. I asked her if she had seen a cruiser outside. She told us that she has seen a cruiser outside 12-15 times since May, and that the car is left running at times. She said that it is often parked there for 1 to 2 hours.

2. She said she knows that the officer was Officer Barber and that he was visiting the [REDACTED] neighbor [REDACTED]. She said she has known Officer Barber for years.

3. She said that she knew of their relationship, and that [REDACTED] would tell her things.

4. She said that she knew that Officer Barber was having [REDACTED] with [REDACTED] on duty because during some of the times the car was outside, she would [REDACTED] the room directly below her bedroom. She said this is [REDACTED] bedroom.

5. She also said that [REDACTED] showed her [REDACTED] one day recently on her [REDACTED], and said that [REDACTED] told her that Officer Barber had [REDACTED] her and had tried to [REDACTED].

6. She said that [REDACTED] told her about an incident where he [REDACTED] on her porch.

7. She said that Officer Barber and [REDACTED] were texting back and forth frequently and that [REDACTED] showed her a text that said "your [REDACTED] to me" or something like that, and that [REDACTED] said it came from Officer Barber.

8. She told us about [REDACTED] telling her about taking Officer Barber to the [REDACTED] from her house when he became [REDACTED].

9. She also told us that a couple of months prior, she was on the porch of her neighbor [REDACTED] at nighttime, and Officer Barber came to [REDACTED] and was shining a flashlight in [REDACTED] windows. [REDACTED] said that she observed Officer Barber to be wearing a dark blue or black shirt with a PPD logo, and thought he was off duty, and on his way to work.

On 20 November, 2010, Lt Grady and I took an audio and video statement from her, based on this interview. We did this in the interview room at the station. A transcript was made of the interview, and it is attached. The following is a summary of [REDACTED] digitally recorded interview:

1. [REDACTED] stated that Officer Barber has become a [REDACTED] of my neighbor. And he's done everything from just texting her, calling her every 30 seconds to stopping by her house, and [REDACTED].

2. [REDACTED] met Officer Barber when she was [REDACTED] old at [REDACTED] and he was on duty. She is twenty seven years old now.

3. Ofc Barber is dating her [REDACTED] neighbor [REDACTED]. They have been broken up for a little while but she thinks they started dating back in May.

4. Ofc Barber would stop by [REDACTED] house while he was working. He would stop by in the middle of the night. Her dog would bark and Officer Barber would be downstairs again.

5. Ofc Barber would pull up in front of the apartment with the cruiser. Sometimes he would leave it running. He would spend anywhere from a half hour to an hour or more there. She has seen him there ten to twenty times.

6. One time she was at her next door neighbor's house. The neighbor is [REDACTED]. They were on the porch talking. She looked at her house and somebody was standing at [REDACTED] window. She went over and it was Officer Barber. He was complaining that [REDACTED] wasn't answering her phone or text messages. They ended up talking about him being [REDACTED].

7. [REDACTED] told her that a couple of times he came over, he did his thirty minute [REDACTED] and left, and he was on the clock.

8. Her bedroom was right above [REDACTED] so she could hear the [REDACTED] and a little while later it would stop."

9. Ofc Barber and [REDACTED] would text each other constantly. If [REDACTED] didn't answer the phone he would text her. If [REDACTED] didn't answer a text he would call her.

10. On 19 November [REDACTED] texted her at approximately 7:00 am. She didn't answer it right away but when she did [REDACTED] wanted her to come downstairs. When she eventually talked to her [REDACTED] told her that Officer Barber came over when she was outside smoking a cigarette. She told her that she [REDACTED]

11. They broke up a couple of times. She along with a couple of [REDACTED] friends told her to break up with him. It seemed like he was running background checks on people and he was telling [REDACTED] she couldn't hang out with certain people.

12. There was a time when she was at [REDACTED] and Officer Barber texted [REDACTED] about someone she believed to have the last name of [REDACTED]. Officer Barber texted that he had a background. She believes his name is [REDACTED]

13. About a month ago she was having a conversation with [REDACTED] [REDACTED] had showed her [REDACTED] and she made a joke about being [REDACTED]. [REDACTED] told her that Officer Barber had [REDACTED]

14. She stated that most of time he was at the house in the middle of the night he was on the clock. Any other time he was there was during the day and he had his [REDACTED] with him with his truck. She stated he would stop there almost every night.

15. Ofc Barber "scared the crap out of" [REDACTED] oldest [REDACTED] the other day with the banging on the doors and windows.

16. The other day Officer Barber and [REDACTED] were broken up. In the middle of the night around "three or four something" her dog went ballistic. Officer Barber was banging on the front door. She heard someone yelling and it sounded like Officer Barber. [REDACTED] didn't answer the

door so he went to the side and started banging on the windows. He was saying he wanted to talk to her.

On 22 November, 2010 Lt Grady and I conducted a neighborhood canvas of [REDACTED]. We asked the residents if they have seen a police cruiser or police officer spending an extended period of time on the street. The following is a result of the neighborhood canvas where the residents had relevant information:

[REDACTED]

[REDACTED] said she had seen a cruiser outside on [REDACTED] Street periodically, in the area of [REDACTED]. She recalled seeing one there late one recent Saturday evening. She also recalled seeing a cruiser there in the daytime recently.

[REDACTED]

[REDACTED] recalled seeing a cruiser parked on the street in the area of [REDACTED] 5 or 6 times within the last month, around 6 am, during her walk to the bus stop for [REDACTED].

[REDACTED]

She reported seeing a cruiser several times per week over the past 4-6 months, parked on both sides of the street, in the area of [REDACTED] apartment. She has seen this parked shortly after midnight, and has observed it there for a half hour to an hour.

[REDACTED]

He reports that he saw a cruiser parked on the opposite side of the street from his house, facing north, 3 or 4 times per week for some time. He reports seeing the cruiser 4 or 5 times within the past month.

[REDACTED]

He reports seeing a cruiser parked on the street in the area of [REDACTED] several times. He reports seeing the cruiser around 12 or 1 in [REDACTED]

the morning. He stated that sometimes the car would be parked in the same position around 4 or 5 in the morning, the same day, as if it never left.

[REDACTED]
[REDACTED] She reports seeing a cruiser parked on the street in the area of [REDACTED] several times. She reported seeing it 2 to 3 weeks ago around dinner time or after.

[REDACTED]
He reports seeing a cruiser in front of [REDACTED] on both sides of the streets, many times. He reported seeing the cruiser there one time about 430 or 5 am, and it not leaving until after 800 am. He also told of an incident where the officer had words with him and his friends, while the officer was off duty.

I took an audio recorded statement from [REDACTED] on Wednesday, 24 November, 2010, at the police station. His statement is reflected below:

1. He saw an officer park in front of [REDACTED] St. He got out and went inside the house. He was in there for an hour and a half.
2. The second encounter was a few weeks later. He was coming home from work about 1:00 am. He was pulling his car up to park near his house when the officer came up behind him. He thought he was getting pulled over. The officer got out, did a quick knock on the window and he went right through the door.
3. The next encounter was about 8:00 am. He had been on sitting on his porch since 5:00 – 5:30 am. The officer came out of the house and he questioned the officer as to whether he could park his vehicle there while he talked to the person inside. The officer got into his cruiser and left.
4. Another incident was he was out front with his brother and a group of friends working on his friend's car. He had his friend turn the wheel to get the tire off the curb and it made a noise. His brother pretended to kick the car that was passing by when the tire made the noise. The noise must have been heard by the people in the vehicle because he came out of the

house, stated he was an officer and it was his expensive vehicle. He reprimanded them for their antics and went back into his girlfriend's house.

5. He stated he saw the cruiser and /or the officer there approximately thirty to fifty times. It started with the cruiser being there twice a week and it progressed up to three or four times a week.

6. He gets home late from work between 4:30 – 5:30 am. Their kitchen is being remodeled and he would wake people up getting through the house so he spends time on the front porch. He saw the officer leave [REDACTED] St. approximately ten times. He said the officer would leave the apartment usually quarter of 8:00, 8:00 am. Twice he saw his vehicle parked out there after 8:00 am.

7. The last time he saw the vehicle there was about a week prior to me speaking to him at his apartment. He saw the vehicle there between 9:00 pm and 8:00 am. He has seen the officer there when he wasn't working in plain clothes. He has never seen him coming out in the morning in plain clothes. It was always when he was working.

On 22 November, 2010 Lt Grady and I conducted a neighborhood canvas of [REDACTED] St. We asked the residents if they have seen a police cruiser or police officer spending an extended period of time on the street. Lt Grady completed a report on the canvass. His report is attached. The following is a result of the neighborhood canvas where the residents had relevant information:

[REDACTED]

[REDACTED] stated he has seen a cruiser in front of [REDACTED] St on several occasions in the morning. He gets up early for work. He stated that he has seen the cruiser parked on both sides of the street. He pointed to the house and the street to show us where the cruiser was parked. He stated that he hadn't seen the cruiser there for three to four days.

[REDACTED]

[REDACTED] stated that she has seen the cruiser there several times in the morning.

[REDACTED]

[REDACTED] stated that he has seen a cruiser parked in front of [REDACTED] St. four times a week. He gets up early and he saw the cruiser there at 6:30 am. He has seen it parked on both sides of the street. He knows [REDACTED] and knew she was dating a police officer. He described the police officer as a [REDACTED]. He told us about an incident where he was on his front porch having a conversation with [REDACTED] between 9:30 and 10:30 pm when the officer showed up and started to shine a flash light into [REDACTED] apartment windows. He said [REDACTED] left his porch and went to her house to [REDACTED] to ask him what he was doing. On Monday, 28 February, I spoke to [REDACTED] about this again. He affirmed that he was with [REDACTED] on his porch when this happened. When he told us initially, we thought he said he was with [REDACTED] and not [REDACTED] as reflected in Lt Grady's report canvas report. I asked him if he noticed if the officer was in uniform or had a cruiser when this happened. He told me that he saw a cruiser and that the officer was wearing his uniform.

[REDACTED]

[REDACTED] stated he saw a cruiser parked for awhile in front in the area of [REDACTED] St. He stated it was parked there at 8:30 pm.

[REDACTED]

[REDACTED] stated he has seen a cruiser about halfway up the street in the mornings.

[REDACTED]

[REDACTED] stated he has seen a cruiser several times late at night when he was coming home from the bars. He thought "a police officer lived there."

[REDACTED]

[REDACTED] stated she has noticed a cruiser there a few times at 7:30 am. She stated "she didn't know a police officer lived there."

[REDACTED]

[REDACTED]
[REDACTED] stated she had seen a cruiser there in September and early October at 7:00 am. Her schedule has changed with her [REDACTED] so she is not up at that time anymore to see anything.

On 27 November, Lt Grady and I conducted another neighborhood canvas of [REDACTED] St. We asked the residents if they have seen a police cruiser or police officer spending an extended period of time on the street. Lt Grady completed a report on canvas. The following is a result of the neighborhood canvas where the residents had relevant information:

[REDACTED]
[REDACTED] stated that in the last six months he has seen a police cruiser parked about two houses down two to three times a week in the morning. He goes to work at 7:30 am. He figured he was visiting family or a girlfriend.

On Saturday, 27 November, 2010, [REDACTED] Street, and I spoke. I asked her if she had seen police cruiser or police officer spending an extended period of time on the street. She told me that she has seen a cruiser between 0230 and 0300 hours on an almost daily basis. She said it is either "hiding" in [REDACTED] driveway behind some bushes, or on the street in front of her house. She said it leaves between 0630 and 0700 hours.

On Sunday, 28 November, 2010 I took an audio statement from [REDACTED]
[REDACTED] This statement was transcribed. This statement is attached. The following is a summary of [REDACTED] statement:

1. Starting in July she saw a patrol car parked across the street or in the driveway of [REDACTED] house between 2:30 and 3:00 am. She would be leaving to go to work at the [REDACTED]
2. On some occasions when she arrived back home from work between 6:00 and 7:00 am it would be parked in the same exact spot.
3. There were other times when she left for work and the patrol car wasn't there but when she came home it was.

4. There were times the patrol car was there when she left for work but it wasn't there when she came home.

5. Sometimes she had seen him coming or going from the residence.

6. There was one occasion where she said "good morning" to him when he was arriving at the house. It was between 2:30 and 3:00 am. This happened about three weeks ago. This was also the last time she saw the patrol car.

7. She believes he was going to see [REDACTED] because he would go to the downstairs apartment where she lived.

On Saturday, 4 December, I continued the neighborhood canvass of [REDACTED] [REDACTED] I asked the residents if they have seen a police cruiser or police officer spending time on the street. I spoke to [REDACTED] [REDACTED] Street, 2nd floor, right hand side. He told me that a couple of months ago, he had seen the cruiser in the front of the area of [REDACTED] Street, parked on the opposite side of the street of [REDACTED] 2 to 3 times each week, for about a two week period, between the hours of 2100 and 0000 hours.

I also reinterviewed [REDACTED] on Saturday, 4 December. I asked them if they had heard any noises coming from [REDACTED] Street in the middle of the night. Neither had heard any. I also left a note for the occupant of [REDACTED] Street, [REDACTED] to call me.

On Monday, 6 December, I interviewed [REDACTED] He told me he is the person that lives at [REDACTED] Street, [REDACTED] He said that he hasn't been there lately, and hasn't been staying there for most of the year, that he had been staying somewhere else. However, he said that he is in and out, in the morning, and that over the course of the summer, he saw a cruiser parked in front of [REDACTED] Street in the morning, before 7 am or so, about 6 times. He said he knew the officer was dating an occupant of [REDACTED] He said he saw the officer once in the cruiser. He described him as a [REDACTED]

On Tuesday, 7 December, Lt Grady and I continued the canvass on [REDACTED] Street.

On Wednesday, 16 February, I interviewed [REDACTED], who lives at [REDACTED] Street, apartment 2, with [REDACTED]. I asked him if he had any firsthand knowledge of Officer Barber visiting [REDACTED] on duty.

He told me that he has seen a cruiser in front of [REDACTED] many times, and that he knows Officer Barber, through [REDACTED] introducing them, at her apartment. He said he has talked to him, in uniform, at her apartment, multiple times. He said the cruiser was always out front when he did so. He said he has seen the cruiser out front in the day time 3 or 4 times, and later at night around 0200 am. around 5 times. I asked him if he had heard noises coming from [REDACTED] apartment during the times Officer Barber was there and he said he heard talking and sometimes [REDACTED]

On Thursday, 17 February, I interviewed [REDACTED], who lives at [REDACTED] Street. She told me she had no firsthand knowledge of a cop or a cruiser at [REDACTED]

Several additional persons were spoken to that live on the street that did not see a cruiser or an officer.

The state police conducted a neighborhood canvass of [REDACTED] on Friday, 19 November, 2011. Troopers Culver and Boyer conducted the canvass. They went to several residences. They spoke to several people, including some of the people Lt Grady and I spoke to. They asked if anyone knew of the incident on the porch that morning. The following people provided relevant information to the officers, as indicated below:

[REDACTED]
She observed an "ofc. on front porch this AM at that time, calm and nothing unusual".

[REDACTED]
Observes "local" Officer arrive at [REDACTED] at fluctuating times, usually 5-6 am.

UNKNOWN PERSON
[REDACTED]

Person leaves for work at 0500 hours, usually sees cruiser. That morning, "lights were on, PO was on porch looking "suspicious". States cruiser is there "like every morning" states lady who, lives there is [REDACTED]

On Wednesday, November 24, 2010, Investigator Bassi took photographs of [REDACTED] as directed. These photos are attached.

I also directed him to check several locations to see if any had video that may have captured Officer Barber coming or going to or from [REDACTED] Street, or to [REDACTED] from [REDACTED] Avenue and [REDACTED] Street. He did so. No useful video was obtained.

On 26 November 26, 2010 Officer Barber was issued a letter outlining the complaint against him. This letter is attached.

On 23 November, 2010, Lt Grady and I spoke with [REDACTED] years old, and [REDACTED] years old at the time, at their home at [REDACTED] St. Lt Grady submitted a report on the interviews. This report is attached. The following is a summary of the interviews:

1. [REDACTED] told us that the prior week, [REDACTED]

2. [REDACTED]

3. [REDACTED]

[REDACTED]

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

While we were there, [REDACTED] told me that there was another incident involving Officer Barber, having to do with her cat. [REDACTED]

[REDACTED]

Lt Grady took reference photographs of the interior of [REDACTED] apartment while we were there. These photos are attached.

I recorded the two voice mail messages [REDACTED] played for us in the interview room while we were there. The voice is Officer Barber's. The messages were transcribed. The transcript is attached. The first message

is [REDACTED]. The second message is a message that appears to be about [REDACTED] and speaks about how he his [REDACTED]. It indicates that he was letting her know about him for [REDACTED].

The state police also spoke to the [REDACTED] as reflected in Captain Smith's report. This report reflects, among other things, that [REDACTED] heard Officer Barber banging hard on [REDACTED] window on 15 November around 0315 hours, and observed him in a cruiser later that morning, near East and Lyman Street. This report reflects, among other things, that [REDACTED] observed Officer Barber sleeping on the couch in his uniform at his home, with his gun belt removed. He observed Officer Barber sleeping on the couch about 4 times. It would be around 0630 hours when he would see Officer Barber sleeping. Officer Barber hung his belt on the side of the couch, on the arm. The cruiser would be parked out front.

On December 2, 2010 at a hearing in [REDACTED] that [REDACTED] had against Officer Barber was [REDACTED]. The police department obtained an audio copy of the hearing. Lt Grady listened to the hearing, as did I. The key points of the hearing that relate to this investigation are summarized below:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]

7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]

19. [REDACTED]

The audio quality of this hearing is extremely poor, and therefore difficult to hear. I reported on the key points as best I could determine them by listening to the recording twice. A written transcript will be attempted through our Sten Tel transcription service.

On Thursday, 2 December, I canvassed [REDACTED] Street in front of [REDACTED] from about 0830-0845 hours. I asked people bringing [REDACTED] if they had seen a police cruiser or officer in the area, in the morning. The following is a result of the canvas:

[REDACTED]
Stated he saw a man in cruiser drop off a [REDACTED] 3 times.

[REDACTED]
Stated she saw a man in a cruiser drop off a [REDACTED] 3 times, the last time being about 3 weeks ago.

[REDACTED]
States he observed officer in cruiser dropping off [REDACTED] many times during the last [REDACTED] year, and during this [REDACTED] year. He said the [REDACTED]

[REDACTED]
She stated she has often seen an officer with a [REDACTED] in a cruiser, and has seen him drop her off quite a few times.

[REDACTED]
She stated she has seen the cruiser about twice a week and saw a [REDACTED] getting out of it once.

On 3 December 2010 Lt Grady and I continued the canvass in front of [REDACTED] from 0830 to 0845 hrs. We asked the people bringing [REDACTED] police officer in [REDACTED]

Lieutenant Grady completed a report on his canvass. His report is attached. I canvassed other people. The following is a summary of the interviews with people that had relevant information:

[REDACTED]

She told me she has seen a cruiser in front of the [REDACTED] 3 times, in the morning, the last time being about one month ago. She described seeing a [REDACTED] in a uniform, with a [REDACTED] in the car.

[REDACTED]

He told me that a cruiser parks in his driveway every afternoon this [REDACTED] year and a white male operator picks up two females who come from [REDACTED] (I forwarded this information to Captain Granger and Lt Bradford that day).

[REDACTED]

Said he has seen a cop in a cruiser with his [REDACTED] many times in the morning in front of the [REDACTED]

[REDACTED]

She observed a cruiser parked in the front of the [REDACTED] twice within the past two weeks with a little [REDACTED] in the front seat.

[REDACTED]

Since the beginning of the [REDACTED] year they have seen the officer in uniform with the cruiser one or two times a week. There was an incident where the officer was walking with his [REDACTED] towards the [REDACTED] when the [REDACTED] vehicle had rolled into the crosswalk because a vehicle had pulled up behind them. The officer said something to them about being in the crosswalk.

[REDACTED]

Since the beginning of the [REDACTED] year [REDACTED] has seen the officer and the cruiser three to four times a week. [REDACTED] has seen the [REDACTED] in the front seat of the cruiser.

On 3 December, Lt Grady and I met with several [REDACTED] staff members that may have seen Officer Barber dropping off his child for [REDACTED] in the morning. These interviews were set up after obtaining names of [REDACTED] personnel with duties that would have placed them outside the [REDACTED] in the morning, or near the entrances. Eight of these people had not seen an officer in a cruiser bringing someone to [REDACTED]. Several other employees did make observations, as explained below:

[REDACTED] – No observations this [REDACTED] year but she observed an officer fully dressed in a cruiser last [REDACTED] year.

[REDACTED] – has seen a cop in uniform a couple of times per week, last [REDACTED] year, walking with a [REDACTED] towards the [REDACTED]

[REDACTED] – observed a uniformed officer early in the [REDACTED] year, outside, about four times.

[REDACTED] – Observed the cruiser on a regular basis last school year.

[REDACTED] – Observed Officer Barber, the cruiser, and him walking with his [REDACTED] to the [REDACTED] entrance.

On Saturday, 27 November, 2010, I interviewed [REDACTED] who works with [REDACTED] at [REDACTED] office at [REDACTED] Avenue. She told me that [REDACTED] was very upset at work one day. She said that [REDACTED] told her that, either on that day, or the day before that, that Officer Barber had had [REDACTED] and had been texting her repeatedly, and that he wanted her [REDACTED]. She said that [REDACTED] said that Officer Barber was going to see to it that he'd [REDACTED]

On 3 December 2010, I interviewed Officer Potash, who was the lead investigator into the [REDACTED] [REDACTED]. I asked him if he recalled the case, and he did. I asked him if Officer Barber interjected himself into the case. He said he knew Officer Barber dated the [REDACTED] and that two prior times Officer Barber was with her at the station filing complaints, but that there were no [REDACTED] then.

I asked him to recount the circumstances of the [REDACTED] [REDACTED]

all, as far as he knew. He recalls running the case by the sergeant before seeking [REDACTED]. He did not recall who that Sergeant was. If Officer Barber went to the sergeant about the case, Officer Potash was not aware of that.

In addition to [REDACTED]

[REDACTED]

On Saturday, 19 February, 2011, I interviewed Sgt Maddalena. He approved the [REDACTED]

[REDACTED]

I interviewed [REDACTED] MA on Tuesday, 7 December 2010, about the allegation that he ran her plate and texted her while she was on [REDACTED] porch. She told me that indeed she was with [REDACTED] on her front porch and that Officer Barber came "flying" in the driveway. She did not recall a text message. She thought the incident happened in the beginning of summer.

On Tuesday, 7 December, 2010, Lt Grady and I interviewed [REDACTED] President of [REDACTED] about Officer Barbers' [REDACTED]. Lt Grady submitted a report on this interview, which is attached. This report is reflected below:

Ofc Barber has been with the [REDACTED]

He is a [REDACTED]

[REDACTED]

[REDACTED]

He has a company phone.

In November [REDACTED] web site quoted "Miles Barber" on its web site, and lists his [REDACTED]

That is no longer available on the web site under the tactical section. Rather, there is a photo of a now retired Pittsfield Police officer in full uniform, with the Pittsfield Police patch prominently visible, modeling a piece of equipment.

I interviewed [REDACTED] In response to my questions, he told me that he thought he was followed on his way home from the [REDACTED] one night. He indicated he had no idea who was following him, or a description of a vehicle. He indicated he had no issues with Officer Barber, and Officer Barber had none with him as far as he knew. He did say that Officer Barber was [REDACTED] and didn't like him. He said he knew this from speaking to [REDACTED]

On Sunday, 27 February, I interviewed [REDACTED] He told me that at Live on the Lake Officer Barber questioned him about why he was talking to [REDACTED]

Lt Grady interviewed [REDACTED] owner and executive director of [REDACTED] He submitted a report documenting this interview, and his interview with a [REDACTED] employee, [REDACTED] These interviews took place on 2 December.

[REDACTED] interview as it relates to this investigation is reflected below:

1. She was aware of problems between Officer Barber and [REDACTED] based on [REDACTED] telling her about their on again, off again relationship.
2. [REDACTED] said when it was off again [REDACTED] would tell her about Officer Barber's text messaging and driving by her house in the cruiser.
3. [REDACTED] knows Officer Barber. His [REDACTED] attended the [REDACTED]
4. On 19 November, [REDACTED] told her about an incident where Officer Barber showed up at her apartment, [REDACTED]
5. [REDACTED] advised [REDACTED] to report this incident to the police.
6. [REDACTED] said that [REDACTED] told her Officer Barber [REDACTED] have her j [REDACTED]

[REDACTED] interview is reflected below:

On 19 November, [REDACTED] spoke to [REDACTED] about Officer Barber being on a side street off [REDACTED] Street in a cruiser, that morning. [REDACTED] told [REDACTED] that she observed Officer Barber too. [REDACTED] stated the cruiser was on the side street off [REDACTED] Street by the car stereo shop. She observed Officer Barber in the cruiser. She knows him through his [REDACTED] attending [REDACTED]. She said this was at approximately 0725 hours.

The state police report package includes [REDACTED] phone records from her cell phone, as well as text messages received from Officer Barber.

Ofc Barber submitted two pages of text messages [REDACTED] sent him on 8 and 9 November. He submitted this with each ordered report he completed.

In November, I requested all Criminal Justice Information Systems (CJIS) records that Officer Barber ran during the course of his [REDACTED] with [REDACTED]. A letter was sent to CJIS requesting this information, for

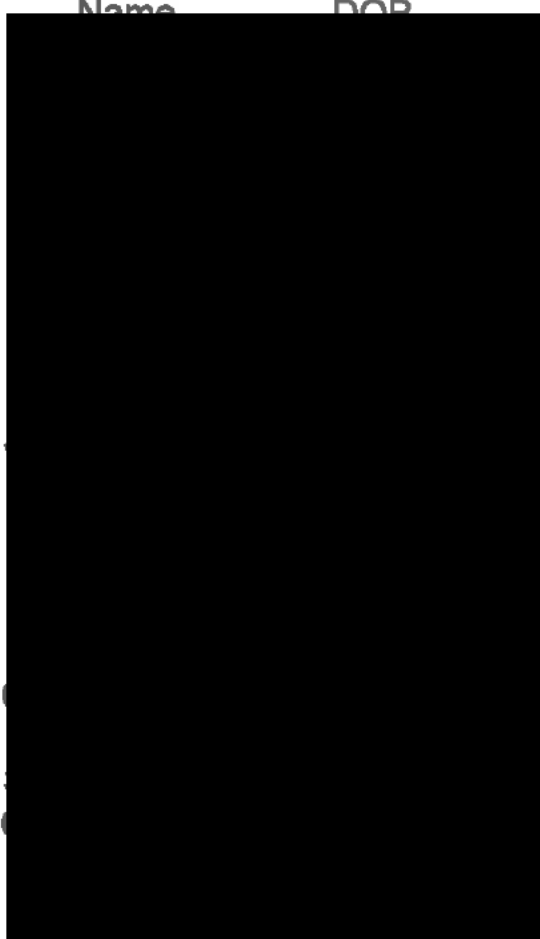
the period of 1 May 2010 and 20 November 2010. On December 20, 2010 the department received the results. These results are attached.

CJIS is the system that law enforcement members can access to provide information from various state and federal databases pertaining to criminal records and other personal information, such as drivers license information, and home address and vehicles registered to a person.

Lt Grady reviewed the records. The records show several names that Officer Barber ran through the cruiser's Mobile Data Terminal (MDT) had come up during the investigation. Additionally, there were several other names of persons associated with the police department that he apparently ran records checks on.

Lt Grady prepared a list containing this information. The following is the data from that list. A copy of the list is also attached.

Query Date	Time	Terminal
5/2/2010	0259	cruiser
5/23/2010	0547	cruiser
5/29/2010	0157	cruiser
6/1/2010	0137	cruiser
6/10/2010	0110	cruiser
6/22/2010	1128	cruiser
7/6/2010	0214	cruiser
7/6/2010	1048	cruiser
7/9/2010	0557	cruiser
8/7/2010	0427	cruiser
8/9/2010	0214	cruiser
8/9/2010	0219	cruiser
8/21/2010	0031	cruiser
8/24/2010	0302	cruiser
11/15/2010	0139	cruiser
11/15/2010	0139	cruiser



On Friday, 7 January, I phoned Officer Barber. I told him I was calling to set up an appointment to have him come to the police station to answer questions about the complaint. I told him I wanted to do it in the interview room, and I told him he could have the questioning and answering audio and video recorded, or that he could answer the questions in writing.

He asked me if we had the [REDACTED]

[REDACTED] I would write a report. I told him he could submit anything on his behalf he wished, such as texts she sent, and that we'd talk to anyone he felt had relevant information.

I told him that I wanted to have the meeting on a Saturday, for privacy reasons. I told him that I could have the meeting on Saturday, 8 January, but that a snowstorm was in the works and it was short notice. I told him we could also do it the following Saturday.

We set a tentative appointment for 1000 hours on Saturday, 15 January. He was to let the chief know, or Lt Grady, if he could not make that appointment, as I would be on [REDACTED] during that week. That meeting was cancelled at his request, and rescheduled at his request for 19 January, 2011.

On January 19, 2011 Lt Grady and I met with Officer Barber, Officer Marc Maddalena (IBPO Local 447 President), and Robert Dickson (IBPO National Rep). I issued Officer Barber a report ordering him to complete a report answering specific questions about the complaint. This report also explained that he would be given a statement of allegations detailing the complaint against him. This report explained that Officer Barber had the option of answering the questions in writing or answering them verbally and

having the questioning and answering on a digital video recorder. The report also offered him the opportunity to have our entire interaction audio and video recorded. He declined these offers. This report is attached. I read this report to him and gave him the report to follow along as I read it. I then gave him a list of allegations and read that to him too. This list is attached.

Ofc Maddalena had some concerns and questions, particularly about my following the internal investigation policy, suggesting that I did not comply with the notification requirements in the policy. I told him he was mistaken. He was also concerned that Officer Barber wasn't given a detailed list of allegations before that day. I told him that that wasn't my decision and that he should take up any concerns he had with the Chief.

Ofc Barber expressed his displeasure at just then receiving the detailed allegations, and spoke of how I phoned him and requested he come in the following Saturday during a snowstorm. I reminded him that I gave that date to him as one option, and that it was not an order, or even a request, but rather an offer to meet that day.

Mr. Dickson requested the officer be allowed to take the questions home, and complete the report overnight, and return the completed report the next day. I refused to allow this. Officer Barber said he wasn't going to answer the questions as ordered. I told him that if he did not, I wanted to be clear with him that it was a direct order, in writing, and that he would be in violation of a direct order, and that I intended to write him up for violation of a direct order. He said he understood.

Mr. Dickson asked if he could speak with the chief. I arranged this through the chief's assistant. Mr. Dickson was allowed to speak privately with the chief. Afterwards, Mr. Dickson spoke with Officer Barber, and Officer Barber decided to comply with the order. I gave Officer Barber the list of questions. I had him read the list and asked if he had any questions. He did not. I left him alone in the interview room to type his report. This list of questions is attached.

Officer Barber's completed report was given to Lt Grady. This report is attached. Officer Barber also submitted two pages of text messages that he said came from [REDACTED] These are also attached.

The questions I ordered him to answer in his report are listed below, followed by his answers, either in quotations, or paraphrased by me.

1. Were you in a relationship with [REDACTED]?

"Yes"

2. When did the relationship with [REDACTED] start?

"The end of May, 2010"

3. When did the relationship with [REDACTED] end?

"Approximately November 8, 2010"

4. Did you go to [REDACTED] apartment at [REDACTED] St. while you were on duty?

"Yes"

5. How often did you go to [REDACTED] apartment while you were on duty?

"I would stop by for my 10-7, 1-2 times a week."

6. At what time did you go to [REDACTED] apartment while you were on duty?

"Sometimes between 3am and 4 am. Other times I showed up around 6am to have breakfast with her and [REDACTED]"

7. How long did you stay at [REDACTED] apartment when you went there on duty?

"I would stay for my lunch break."

8. Did you sleep at [REDACTED] apartment while you were on duty?

"I did take a rest break on [REDACTED] couch while in a seated position and in uniform for the duration of my lunch break on several occasions".

9. Did you have [REDACTED] while you were on duty?

"No".

10. Did you ever [REDACTED] and [REDACTED] you were at her apartment while on duty?

"No"

11. Did you ever leave [REDACTED] messages on [REDACTED] voice mail?

"Yes"

12. Did you leave [REDACTED] a voice mail [REDACTED] that you would make her [REDACTED] If so, explain.

"Yes – This was in direct reaction to a number of text messages she left me over a period of 14 hours, including calling my [REDACTED] [REDACTED] she was going to post things on facebook stating that I had [REDACTED] stating that I will find no one to put up with my [REDACTED], accusing me of letting my [REDACTED] and the like – Please see attached text messages she sent to me."

13. Did you ever leave [REDACTED] messages for [REDACTED] on her Facebook page? If so, explain.

"Not that I can recall".

14. Did you ever leave [REDACTED] messages for [REDACTED] via her email? If so, explain.

"Not that I can recall".

15. Did you ever get [REDACTED] while at [REDACTED] apartment while on duty? Did she drive you to the [REDACTED]? What did you do with your

handgun when she brought you to the [REDACTED]? Where did you leave your police cruiser when you went to the [REDACTED]?

"Yes". "Yes". He stated he did get [REDACTED] at [REDACTED] apartment while on duty. He brought his duty belt to [REDACTED] and passed it to another officer while being [REDACTED]. He left the cruiser on [REDACTED] St. and he contacted the desk sergeant. He believes it was Sergeant Mark Bushey.

16. On November 15, 2010 did you go to [REDACTED] apartment and try to let yourself in to the apartment? Did you bang on her windows to get her attention? If there were any other times you did this explain those times.

"No". "No". "No".

17. On November 19, 2010 were you involved in an incident with [REDACTED] on her front porch while you were on duty? If so, explain. Also explain [REDACTED]

"No. It was a friendly 5 minute conversation and there was no [REDACTED] placed on [REDACTED]

18. On November 19, 2010 do you recall parking on a side street off of East St. and watching [REDACTED] drive by?

"No"

19. Document any incident involving [REDACTED] cat in her apartment?

[REDACTED] cat went hissed at and clawed his [REDACTED] so he picked up the cat and put it in a common hallway.

20. Did you bring your [REDACTED] while on duty in a police cruiser?

"Yes"

21. How often did you bring your [REDACTED] while on duty in a police cruiser?

"2-3 times a week due to having no one else to assist me with getting my [REDACTED] by 8:45am."

22. Why did you run the following people on your cruiser's MDT?

Query Date	Time	Terminal	Name	DOB
5/2/2010	0259 hrs	cruiser	[REDACTED]	[REDACTED]
5/23/2010	0547 hrs	cruiser		
5/29/2010	0157 hrs	cruiser		
6/1/2010	0137 hrs	cruiser		
6/10/2010	0110 hrs	cruiser		
6/22/2010	1128 hrs	cruiser		
7/6/2010	0214 hrs	cruiser		
7/6/2010	1048 hrs	cruiser		
7/9/2010	0557 hrs	cruiser		
8/7/2010	0427 hrs	cruiser		
8/9/2010	0214 hrs	cruiser		
8/9/2010	0219 hrs	cruiser		
8/21/2010	0031 hrs	cruiser		
8/24/2010	0302 hrs	cruiser		
11/15/2010	0139 hrs	cruiser		
11/15/2010	0139 hrs	cruiser		

Ofc Barber gave varying explanations for why he ran the above mentioned people. With the exception of his reason for running [REDACTED] none of his explanations appear to be for official business. His answers are summarized below:

[REDACTED] - unfamiliar vehicle in parking lot.

[REDACTED] - unfamiliar vehicle on sidewalk. Wrote down plate. Ran it when he had time.

[REDACTED] - [REDACTED]
Assisted her with [REDACTED] Second time, [REDACTED] had [REDACTED] He was known to park his truck at the end of [REDACTED] Street. [REDACTED]
[REDACTED] told Officer Barber that [REDACTED] had b and e'd her house once.

[REDACTED] had been sending cigarettes home with [REDACTED] kids and attempting to reunite with [REDACTED] Officer Barber also documents and incident with [REDACTED] at Onota Lake.

[REDACTED] – I have no clue.

[REDACTED] – Motor vehicle accident.

[REDACTED]. Had 3 or 4 expensive vehicles. [REDACTED] next door neighbor. To see if he had [REDACTED] [REDACTED] He reportedly was a [REDACTED] with all of these vehicles.

[REDACTED] – Uncertain of that and [REDACTED] Some vehicles possible belonged to some, while the other had the remaining vehicles.

[REDACTED] – Uncertain who she is.

[REDACTED] – Vehicle parked facing wrong direction. Also, no idea why second time.

[REDACTED] – Appeared to be another of [REDACTED] vehicles. After running plate, realized it was [REDACTED] upstairs neighbor.

[REDACTED] – Based on issues with [REDACTED] and seeing [REDACTED] and [REDACTED] on [REDACTED] porch, thought vehicle may belong to [REDACTED] Also concerned for his [REDACTED] safety.

[REDACTED] – Thought this may be the vehicle of [REDACTED] who was “reportedly [REDACTED] St. in 2009.”

[REDACTED] – While checking [REDACTED] ran to also “check history”.

23. Were you involved in an incident involving [REDACTED] on [REDACTED] front porch? Why did you run her through your cruiser's MDT?

Was not involved in incident. Ran through MDT as indicated above.

24. Why did you run [REDACTED] information through your cruiser's MDT? Why did you run [REDACTED] information through your cruiser's MDT?

Same answer as above.

25. Why did you run [REDACTED] information through your cruiser's MDT?

[REDACTED] was a man that [REDACTED] was seeing while I was away in Orlando, FL in late October. [REDACTED] was also assisting me and my mother with watching my [REDACTED] while I was away. This is one of the several reasons that I ended the relationship with [REDACTED]

26. Did you leave voicemail and send text messages detailing his history to [REDACTED]

"Yes. She and I had agreed to be friendly through this break up. I informed [REDACTED] of [REDACTED] history. That he may be pre-disposed to [REDACTED] which [REDACTED] was, and to be careful".

27. How long have you worked at [REDACTED]

He has been a [REDACTED] He consulted with Ethics commission. [REDACTED] notified chief.

28. How many hours a week do you work at [REDACTED]?

29. How are you compensated for your work at [REDACTED]?

30. How long have you been a [REDACTED]?

31. Did you put a Massachusetts Police Association (MPA) decal on [REDACTED] vehicle?

"Yes".

32. How involved were you in the [REDACTED] of [REDACTED] or a [REDACTED] [REDACTED]?

No active involvement.

33. Did you follow [REDACTED] home from the [REDACTED]?

"No".

Sgt Bushey submitted a report detailing his recollection of Officer Barber's [REDACTED] of 24 August. This is the date Officer Barber became [REDACTED] at [REDACTED]. [REDACTED] Sgt Bushey's report is attached. It is reflected below:

Ofc Barber notified him between 0400 and 0500 that morning that he was not [REDACTED] and was going to be out of service for "a few minutes". Shortly thereafter, he was informed that Officer Barber had been transported to [REDACTED] by his [REDACTED] and that the cruiser would have to be picked up on [REDACTED] Street. He is unsure who told him this. He made arrangements to have the cruiser picked up.

The [REDACTED] slip Sgt Bushey completed is attached too.

On 11 February, Lt Grady told Officer Barber he needed clarification about what he did with his gun when he went to the [REDACTED] when he was [REDACTED]. He told Lt Grady he thought he gave it to Officer Whitney at the hospital. Lt Grady subsequently ordered Officer Barber to document this in a report.

Lt Grady spoke to Officer Thomas Officer Barber and asked if picked up Mile Officer Barber's gun. Officer Thomas Officer Barber said he had picked it up from [REDACTED] the morning his [REDACTED]. Lt Grady ordered Officer Thomas Officer Barber to document this in a report. He did so and it is attached.

Lt Grady spoke to Officer Whitney about picking up Officer Miles Officer Barber's gun from [REDACTED]. He said he never did so. Lt Grady ordered him to document this in a report. Officer Whitney did so. This report is attached.

On 15 February, Officer Miles Officer Barber submitted a report to Lt Grady, with a copy to me. This report reflects that after speaking to his brother, after he found out why Lt Grady spoke to his brother, and after speaking to Officer Whitney, Officer Miles Officer Barber then recalled more details of the incident. His report reflects that he became [REDACTED] on patrol and went to her residence where he became more [REDACTED]. After an hour of [REDACTED]

[REDACTED] He requested [REDACTED] transport him to [REDACTED]. He removed his duty belt to breathe more freely, and to allow for greater range of motion, and also removed his ballistic vest. He took these items with him into [REDACTED] vehicle, and notified Sgt Bushey of his [REDACTED]. He left his gear in the car at [REDACTED] suggestion that he leave it there, and she would contact his brother to retrieve it. This report reflects that he was [REDACTED] for 8-10 hours. This report is attached.

Lt Grady submitted a report documenting these events. It is attached.

On 22 December, when I updated [REDACTED] on the status of the investigation, she told me that Officer Barber was asking his cousin (who is friends with [REDACTED]) if the cousin is still talking to [REDACTED]. [REDACTED] seemed concerned about this. I told her that nothing prohibited him from talking to his cousin.

She told that in reference to Officer Barber's employment at [REDACTED] [REDACTED] Officer Barber sold "a bunch of swat shields", and earned \$750.00 for that, and that they celebrated with pizza at his house. She told me that he was given the option of a weekly pay or commission, or both, and that he chose commission. She told me that he has an office at the company.

I reinterviewed [REDACTED] on Wednesday, 16 February, 2011. I asked her several follow up questions. I asked her if she had the e-mail she sent to [REDACTED] the morning of the 19 November incident. She checked and said she did not, but she would ask [REDACTED] if [REDACTED] had it. I asked her

if she had seen, touched, or used Officer Barber's [REDACTED] any other time besides the incident wherein [REDACTED]. She told me she had not [REDACTED]

I asked her if Officer Barber ever showed up at her workplace. She told me he had on several occasions, and that she got in trouble with her employer for it. She told me he would just show up uninvited. She told me she told him not to do that, and then he stopped doing it. She told me that he had been entering the business via a private entrance. She told me he was always off duty when he went into her place of employment. She told me that after she got in trouble because he would just walk in the private entrance, he would text or call her when he came to see her, and she would go out to get him, if he came. She told me that on two occasions when she arrived to work in the morning, he was in the parking lot sitting in his cruiser. She told me this was during the off times of their relationship.

I asked her why she initially chose to go the Cheshire State Police barracks to file her complaint and she told me that she did so because she was familiar with its location, and she didn't want to go to the Pittsfield Police because Officer Barber told her that the Pittsfield officers took care of each other. She also said that she asked a friend of hers, [REDACTED] to meet her there. She told me her friend was the one that spoke to the trooper and the trooper didn't want to hear it and told her to report it to Pittsfield. She told me that on the way to Pittsfield, her friend called the Pittsfield Police and told them that a Pittsfield officer was stalking [REDACTED]

I asked her again if she sent any text messages to Officer Barber after 9 November, and she said she did not. I went over some of the text messages Officer Barber submitted, that he said were sent to him by her, and she confirmed that she sent them. I asked her for the address and phone number of her neighbor [REDACTED] who may have information on Officer Barber visiting her on duty. She gave the number to me. I asked her for [REDACTED] phone number and she gave that to me.

I asked her to explain the circumstances surrounding Officer Barber picking up a copy of a [REDACTED] on [REDACTED] from her car, and bringing it to the police station. She told me that it was a [REDACTED], and

that Officer Barber was put out that she could not leave work and bring it to the station, and that Officer Barber retrieved it from her car. She said he never said why he wanted it but she thought the police need it. She said this was when Officer Barber was working to get [REDACTED] the [REDACTED]. She said that he called the Adams Police department and identified himself as a police officer on a Friday night before a holiday weekend, to see if the [REDACTED].

I confirmed with her that Officer Barber texted her at 0338 hours on 15 November, and that he texted her the afternoon of the incident on her porch on 19 November. I confirmed with her that he sent a text about hoping he [REDACTED] that day and about having "a crappy visit" and his not appreciating her trying to [REDACTED]. She confirmed that he sent this, while she was at [REDACTED] getting the [REDACTED]. She said that was him trying to twist around what happened on the porch. She said that she had told him when he had his [REDACTED].

On Thursday, 17 February 2011, I interviewed Sgt Hill. I asked him if he received a phone call in reference to the [REDACTED] complaint. He told me that he had. He told me that the morning [REDACTED] came into the station to file the complaint, he received a phone call from [REDACTED] friend. He told me that [REDACTED] friend told him that an officer was [REDACTED] her friend. He said she told him the Officer was Miles Barber. She expressed concern about coming to the station and seeing Officer Barber. Sgt Hill said he encouraged her to have the complainant come to the station to file the complaint.

On Friday, 18 February, 2011, I met with Officer Barber at 1000 hours in the interview room at the station. Sgt Strout was present at my request. Officer Coco was present as a union representative, at Officer Barber's request.

I told Officer Barber that our entire interaction would be audio and video recorded if he wanted it to be. He declined. I then told him that the questioning and answering would be audio and video recorded if he desired. He declined. I then issued him a written report order, and read it to him. This order explained that he was ordered to answer several additional questions, and outlined his options for answering them. I asked him if he had any questions about the order. He did not.

He said that he may need a short amount of time of in the afternoon to pick up his [REDACTED] and I told him that could be arranged, with comp time, if necessary. I then gave him a list of several questions to answer. I also gave him a copy of the first set of questions for reference, as well as a copy of his answers to those questions. I gave him time to review the questions privately, and to consult with Officer Coco privately. I asked that he or Officer Coco notify me when they were finished consulting. Sgt Strout and I left the room.

Several minutes later, Officer Barber came from the room. I asked him if he was all set and he said he was. He and I went back into the interview room. He told me Officer Coco left. I told him he could answer the questions using the computer in the interview room to complete his report, or he could use a desk in the detective bureau if he was more comfortable there. He decided to use the interview room. I asked him if he had any questions about the questions. He told me he did not. He did want to know if he could consult with Officer Coco about some of the questions later in the day, if necessary, as Officer Coco had to leave. I told him he could. He said he was going to start by answering some of the questions, and that nobody on his shift called in their 10-7's, and he gave the example of officers having their 10-7's at [REDACTED] and not calling them in. He said that they were always available for calls.

He also had a bag with him and indicated he had some documents inside that reflected things [REDACTED] posted about him on Facebook. I told him that he could submit anything he wanted on his behalf that was related to, or relevant to, the investigation.

I went to the interview room around noontime and told him he could certainly go to lunch. He said he wanted to stay and work on the report. Around 1330 hours, I went to the interview room to let him know I would be leaving for lunch. He had a file folder on the desk with lots of papers in it. He spoke of written materials he had that showed that [REDACTED] was highly upset at him, and he spoke of having to prove his [REDACTED] and even if [REDACTED] complaint, nothing would happen to her. He spoke of the [REDACTED] how they were having a normal conversation on the porch. He said he was going through Facebook writings she had sent him, and phone records to assist him in completing his report.

I told him that he could certainly write anything else he wanted to in his report, including what happened at the [REDACTED]. I told him if he had any information indicating she was [REDACTED] he should certainly provide that. I told him again that he could submit any materials he wanted on his behalf. I told him it was a search for the truth.

After I returned from lunch, I spoke to him briefly. He said he had taken a lunch break. Around 1630 hours, I spoke to him again, and told him I would be leaving. I told him we would pay him overtime for his staying over, and to give the report to Lt Grady upon completion. He gave Lt Grady the report around 1945 hours.

The report order I issued him is attached. Also attached is the list of additional questions. The questions I ordered him to answer, and his answers, are listed below:

1. Did you have departmental approval for your employment as a [REDACTED]? If so, explain how you obtained approval, and who approved it.

"I became a [REDACTED] approximately May, 2004. Chief Riello was then in command and I do not recall if I, or the company I was working for, [REDACTED] ever gave written notification early on to inform him of my secondary employment. But, I do know that Chief Riello was well aware of my active status as a realtor during this entire time. The current and sole owner of the company since its inception is [REDACTED]. [REDACTED] had actually sold Chief Riello's residence located at [REDACTED] [REDACTED] when he was ordered by Mayor Ruberto to move back to Pittsfield due to his status as Chief of the Pittsfield P.D."

"Then, during the summer of 2006 or 2007, I was asked personally by Chief Riello to list and sell his 4-family residence located in the [REDACTED] block of [REDACTED]. I eventually sold his property to a retired [REDACTED] who was also the father of licensed realtor [REDACTED] who handled the buyer's end. [REDACTED] father-in-law, [REDACTED] owner of [REDACTED] completed the transaction of this purchase agreement."

"Chief Riello consulted with me once again, approximately a year later, and asked me to search out condos for his [REDACTED]. He eventually did buy her

a condo, but I believe he had purchased it directly through the listing agent."

2. Did you have departmental approval for your employment with [REDACTED] If so, explain how you obtained approval.

"As for my "employment" status with [REDACTED] it was approximately 3 years ago while still a member of the BCSRT. I was approached by Lt. Bradford. He stated that the owners of [REDACTED] [REDACTED] needed one of our officers to pose for pictures in full tactical gear and holding one of their shields. For this purpose, the company was going to make a life-sized, stand-alone cut out photo to bring to trade shows for advertising. In return, the BCSRT was given a FREE NIJ Level IIIA tactical shield (approximate retail value of \$1830.00) to keep for their cooperation and services."

"Approximately 1 1/2 years later, the fall of 2009, I was contacted by [REDACTED] and [REDACTED] to meet with them. They wanted to bring me on as a consultant so I could assist them with designing a better, safer and more user friendly vehicle which in turn would be a stronger selling point for their company. I then explained to the owners that due to conflict of interest and ethics laws in this state, I would first have to check with Boston. I then contacted the Ethics Commission in Boston and spoke with a female attorney who stated that I could perform consulting work, but if I did any sales then I could not advertise myself as a police officer due to these conflicts."

"[REDACTED] then drafted a letter concerning me assisting them at their business and sent it off to Chief Wynn to notify him of our intentions. As far as I have been advised, the [REDACTED] never received a response pro or con to this intention. Then during the IACP Conference and Trade Show in Orlando FL, last October, I made Chief Wynn aware of my presence at this show through a text message. I let him know the booth I would be at and its location with the convention center. Chief Wynn did show up at this booth, sponsored exclusively by [REDACTED], and spoke with me and Chris [REDACTED]. Chris [REDACTED] then briefly reminded Chief Wynn of the letter that had been sent off to him and there was no dispute of this fact. We found there to be no issues at that time either. Chief Wynn wished us well and I continued on with the remainder of the show."

3. How did you get back your gun and duty belt, after your [REDACTED]?

"After my brother, Tom, retrieved my gear from [REDACTED] he secured it at his residence. At a later time, while I was still [REDACTED] he returned it to the station and secured it in my locker so it was available for my next tour of duty."

4. What location did you report to dispatch when dispatched for calls for service, during the times you were at [REDACTED] Street residence?

"Most times, even now, patrol does not respond with a current location when dispatched to a call. But, on the occasions that I did respond, I gave [REDACTED] St. as my location."

5. Did you report your location to anyone when you were at [REDACTED] [REDACTED]?

"No I did not because I was on my beat. This is past, current and ongoing practice when taking a 10-7. Officers, uniformed or otherwise, do not make it a practice of calling out their locations for lunch break. It is also past, current and ongoing practice that a 10-7 is not requested on Squad C due to the limited access to dining establishments and the hours this shift works in general."

6. Did you ever call in that you were on your 10-7, during the times you were at [REDACTED]? If so, how did you do this?

"No I never recall advising dispatch that I was taking a 10-7 at [REDACTED] residence, [REDACTED] or while eating a bag lunch in my cruiser I had brought from home."

7. During the times you were at [REDACTED] were you ever off your beat?

"I do not recall being off my beat while at [REDACTED] residence. I was typically assigned Auto 5 as my patrol beat during the 2010 year. This beat covers the area of [REDACTED] St."

8. How did you assist [REDACTED] on several occasions with obtaining a [REDACTED] against [REDACTED]

[REDACTED] was new to the process and I assisted her always off-duty the way I would have assisted any complainant as if I were to have been on-duty as far as giving the details. When [REDACTED] wanted to obtain a [REDACTED] on her ex-boyfriend, [REDACTED] I informed her that she would need to contact the PPD and have an officer come to the house and give them her story. I also informed her that she would most likely be requested to go into the station to give a signed statement. When she requested a change to the [REDACTED], I informed her that she would need to go to [REDACTED] for this. To get more details on this entire case, please refer to all incident calls that were placed by [REDACTED] to the PPD."

9. What involvement did you have in assuring the department investigated the [REDACTED]?

[REDACTED] was new to the process and I assisted her always off-duty the way I would have assisted any complainant if I were to have been on-duty as far as giving her the details. I came to the station I believe on 2 separate occasions and spoke with [REDACTED] and the officer handling the call. I explained the details, along with [REDACTED] what had transpired and then left the decision up to that officer and the desk sergeant."

10. What involvement did you have in getting the [REDACTED] served?

[REDACTED] was new to the process and I assisted her always off-duty the way I would have assisted any complainant as if I were to have been on-duty as far as giving the details. On this evening, I was assigned the front desk. I called Adams dispatch and spoke with [REDACTED] who is also a dispatcher for the PPD. I explained that it was unclear as to where [REDACTED] was living. Since [REDACTED] has one parent that lives in Adams, and I believe the other lives in North Adams, I asked if they would send an officer to check the residence in their town so the [REDACTED] could be [REDACTED]. This is the same process we use for ALL of our [REDACTED] services if we receive one from out of town, or need to send one out of town. We typically fax over a copy and have it [REDACTED] the presiding department, as other departments have us do the same.

11. You were ordered on 19 January to answer the following question:

"How long did you stay at [REDACTED]'s apartment when you went there on duty?"

You answered "I would stay for my lunch break."

You are ordered to answer this question more specifically, stating how much time you spent there on the occasions you were there. Be as specific as you can regarding your duration, answering in time (i.e. hours/minutes), for all of the occasions you were there.

"I would stay at [REDACTED] for my lunch break give or take 10 – 15 minutes, depending largely on how busy the shift was with call volume. To be very direct about this answer in particular, I never wanted to exceed that for the simple reason that I have never wanted to be sitting here answering this question as I am doing at this very time."

12. Did you ever [REDACTED] whether on duty or off?

"I never [REDACTED] on-duty. As far as off-duty I am confused as to what this question has to do with policies and procedures? Does [REDACTED] own a pair of [REDACTED] Yes she does. She even posted this comment on her Face book page, dated 11 January, 2011 at approximately 8:50 am. Comments followed shortly after this for "ALL" to read since she does NOT block the general public from having access to her face page as well. Her most recent boyfriend [REDACTED] [REDACTED] even admitted to seeing these [REDACTED] She even bragged on FB that her [REDACTED]-year old [REDACTED] in fact had them in her pocket while on their way to the [REDACTED] St. [REDACTED] [REDACTED] spotted them hanging from her [REDACTED] pocket, just before going into the day care and quickly took them from her [REDACTED]"

13. Did you ever [REDACTED] at her apartment while on duty?

"No I did not."

14. On 19 January you were ordered to answer the following question:

"Did you ever leave [REDACTED] messages on [REDACTED] voice mail?

You answered "Yes", to that question.

You are ordered to now document in your report the content of any [REDACTED] messages you left her, being as specific as you can.

"Yes I did. From 11/08/10 at 2:47 pm to 11/09/10 at 2:42 am, I had received 12 separate, [REDACTED] text messages from [REDACTED] (Please refer to a copy of these messages which is attached to and made a part of this overall report). On the morning of November 9, 2010, shortly after receiving the 12th consecutive text from [REDACTED] WITHOUT a response from me, I reacted to her taunts and her name calling of [REDACTED]. Please refer to Question #12 of 19 January, 2011 where I did give details previously to this very question and also attached a copy of the text messages on that day as well."

"As for the specifics, I was [REDACTED] at the text messages that she kept sending and would NOT stop until she got a reaction from me. Finally, when she verbally [REDACTED] with the remark of calling her a [REDACTED] and then said she would post things on my Face book page such as that I had [REDACTED] and the like, I responded very [REDACTED]. I must refer to question #15 for the details, which in fact, sound very close to what I had stated to her concerning my [REDACTED]. [REDACTED] As you can plainly tell, I NEVER acted on these [REDACTED] and NEVER had any intention. It has been more than 3 months and I have still NOT acted on any of these [REDACTED] and, again, still have no intentions to. I just wanted her to stop badgering me with her [REDACTED] text messages."

"Please note that shortly after my message to [REDACTED] she in turn left a voice message on my phone. I still have her message saved on my phone. Less than an hour later, she sent me a text apologizing for her actions."

15. On 19 January you were ordered to answer the following question:

"Did you leave [REDACTED] a voice mail [REDACTED] her that you would make her [REDACTED]? If so, explain."

You answered "Yes" to that question. You are now ordered to document in your report the content of this message, being as specific as you can.

"Please refer to my response to Question #14 above. This is also my response to this question."

16. On 19 January you were ordered to answer the following question:

"On November 15, 2010 did you go to [REDACTED] apartment and try to let yourself in to the apartment? Did you bang on her windows to get her attention? If there were any other times you did this explain those times".

You answered "No. No. No" to those questions.

You are now ordered to document in your report if you went to [REDACTED] [REDACTED] Street residence, even if you did not go inside, on 15 November, and if so, to document everything about this, including when you went there, how long you stayed, what you did while you were there.

You are also ordered to document if you were even on [REDACTED] Street on this day.

"Yes I did drive to her apartment on 15 November. Please refer to a taped copy of the [REDACTED] on, or about, 2 December, 2010. I drove to the front of the house and called her cell phone. She did not answer, though I could see her through the front window that she was awake inside the residence. I was parked in front of the residence for about 3 – 5 minutes and left a message for her requesting to speak with me. I then called back and wished her luck with her new boyfriend [REDACTED] a man she was seeing while she was also watching my [REDACTED] year old [REDACTED] for me while I was out of town in Orlando, FL at the IACP Show. I told her that [REDACTED] with [REDACTED] incident. His brother [REDACTED] was also a [REDACTED] from a [REDACTED] case in Pittsfield, of which is information that [REDACTED] had informed ME about first. I then wished her good luck, and drove away."

17. In reference to the incident on 19 November on [REDACTED] porch, you were ordered on 19 January to answer the following question in writing, about this:

"On November 19, 2010 were you involved in an incident with [REDACTED] on her front porch while you were on duty? If so, explain. Also explain [REDACTED]"

Your ordered reports states "No", to this question. You then wrote that "It was a friendly 5 minute conversation and there was [REDACTED] on [REDACTED]"

This answer indicates that although you answered "No", you had a conversation with her on the porch. You are ordered to explain in your report everything that happened that morning on her porch, to the best of your recollection, being as specific as you can about what time you arrived, what time you left, what was said, by whom, and the actions of yourself and [REDACTED]

You are also ordered to document any physical contact you had with her that morning, including any [REDACTED]. Be sure to include the duration of any [REDACTED] as well as the type.

"The question reads that [REDACTED] placed me in [REDACTED]. I am certain it was suppose to read the other way since this was one of her [REDACTED]"

"As for my response, I would like to refer you to the taped copy of the [REDACTED] on, or about, 2 December, 2010. This response goes into great detail about what transpired during our 5 minute meeting and conversation on her front porch on the morning of 19 November, 2010 at approximately 5:00 am. I responded "No" because there was no incident, per say in the way that we field "incident" calls for police investigations that occurred on the front porch."

18. During the times you gave your [REDACTED] a ride to [REDACTED] in the cruiser, where did you pick her up from?

"I picked my [REDACTED] up at my [REDACTED] residence located at the [REDACTED]"

[REDACTED]

19. During the times you were driving your cruiser to pick your [REDACTED] up to give her a ride to [REDACTED] or during the times your [REDACTED] was in the cruiser while you were giving her a ride to [REDACTED] where you ever dispatched to a call for service?

"I never recall being dispatched to a call for service during times I gave my [REDACTED] a ride to [REDACTED]. I typically did not pick her up till approximately 0810 hours when Squad A had already come from roll-call and could now field those calls."

20. If so, what location/s did you report to dispatch during these times?

"I never recall being dispatched to a call for service during times I gave my [REDACTED] a ride to [REDACTED]."

21. On 19 January you were ordered to answer why you ran [REDACTED] and [REDACTED] on your MDT. You were also provided with the date and time you ran them; 11/15/10 at 0139 hours.

You answered that you ran [REDACTED] because you "thought this may be the vehicle of [REDACTED] who was reportedly [REDACTED] in [REDACTED]". You answered that you ran [REDACTED] "While checking [REDACTED] I ran this information also to check history".

You are ordered to state in your report why you thought "this may be the vehicle of [REDACTED]" and to state where you observed this vehicle.

You are also ordered to state specifically why you ran the vehicle of [REDACTED]

You are also ordered to state specifically why you ran [REDACTED] at this time "to check history".

"When [REDACTED] informed me by "accident" through a text meant for [REDACTED] this was when I first became aware of whom he was. [REDACTED] informed that she had begun to "hang out" with [REDACTED] while I was in Orlando, FL and she was in Pittsfield assisting my mother

with watching my [redacted] year old [redacted] [redacted] informed ME that [redacted] brother [redacted] was [redacted] [redacted] in Pittsfield from [redacted] She informed me that [redacted] had a rather [redacted] [redacted] [redacted] informed me that Bryan was not hanging around my [redacted] while she was in her care. I asked her if she knew what his record was. Did he have a history of [redacted] Did he have a history of [redacted] issues? Is he [redacted] to [redacted]? She could not, or would not answer any of these questions. But, she did state that because of [redacted] with the police and that he was a [redacted] if encountered by the police."

"This is why upon my return to service, and for reasons of "Preventive Patrol" and their reported [redacted] [redacted] I located the area of the [redacted] family residence and ran several of the plates. I wanted to know who I was dealing with, both as a police officer and as an ongoing boyfriend to [redacted] and for the safety of my [redacted] This deals directly with the process of advising the dually sworn for reasons of Officer Safety. I wanted to be advised of who I was dealing with, what they looked like, what they drove and where they were located. This is one of the most common practices for law enforcement, crime prevention and officer safety tactics in use today."

On 21 January, Lt O'Brien submitted a report at Lt Grady's request, about Officer Barber's 10-7's. Her report is reflected below. It is also attached.

She doesn't recall Officer Barber ever calling in a 10-7 between 0300-0400 hours, and he was not ever not dispatched during this time when she was working. His beat was a busy beat during that time. The [redacted] is open from 0200-0300 hours. Squad C officers [redacted] and don't call it in, as they are available for calls. Other shift members reported to her that Officer Barber habitually went there to eat during that hour.

On Sunday, 20 February, I requested that Lt O'Brien submit a report to the chief, answering several questions. This request is attached. She completed a report. This report is attached. The questions I asked, and her answers, are listed below. Her answers are paraphrased by me, unless quoted.

1. Are squad C officers required to call in their 10-7's, other than when available for calls at [REDACTED]

Not required as a matter of course. If they was to be unavailable for calls, they will call in.

2. If so, are they required to report their location for the 10-7?

No

3. Are squad C officers allowed to take two 10-7's if they are available for calls during at least one of them?

No.

4. Are squad C officers allowed to go off their beat without notifying dispatch, for a 10-7, or for any other reason?

Yes.

5. During the period of 1 May – 20 Nov, 2010, would Officer Barber ever have been off his beat if he was at [REDACTED] Street?

Yes, but usually, that was his beat.

6. During the period of 1 May – 20 Nov, 2010, would Officer Barber ever have been off his beat if he was driving to outer [REDACTED] and then to [REDACTED]?

Yes, but sometimes he would have been on his beat.

7. Are squad C officers required to notify dispatch when they are away from their cruiser for more than a minute or so, other than while at [REDACTED]?

For periods of time longer than a bathroom break, yes.

8. Are squad C officers required to report their location to dispatch when dispatched for calls?

Yes, but in practice, this doesn't often happen.

9. Are squad C officers normally not sent on calls after 0800 hours?

Yes. If the call can't be delayed squad c will take it.

10. At what time of the day are calls for service normally given to squad A officers instead of squad C officers?

No set time. However, non emergent calls after 0755 will go to squad A.

11. Did Officer Barber have approval from his/her immediate supervisor to have personal cell phone on duty?

Yes

12. If so, did Officer Barber provide that cell phone number to his/her immediate supervisor?

13. If so, what number did he provide?

[REDACTED]

Lt O'Brien also provided a schedule showing what beat Officer Barber had during the period in question.

On Thursday, 24 February, Lt Grady and I went to [REDACTED] Street, apartment [REDACTED]. I asked [REDACTED] if her [REDACTED]. She said it didn't [REDACTED]. Lt Grady and I, with [REDACTED] consent, moved the [REDACTED]

[REDACTED] I asked Lt Grady to standby and move the [REDACTED] as I had done, in a few moments when I phoned him.

I went upstairs to [REDACTED] Street, apartment [REDACTED]. [REDACTED] let me in. [REDACTED] was also present. I asked her if she could let me into the room where she heard the noises. She brought me to her [REDACTED]. This room was directly above [REDACTED]. I phoned Lt Grady and asked him to move the [REDACTED] of [REDACTED] into the wall. I

just as I had heard moments earlier downstairs. [REDACTED] heard this too, even though she had moved to her living room by then. She told me without being questioned by me, that that was the noise she heard when Officer Barber was visiting at times, except she said it was a more rhythmic sound. [REDACTED] volunteered that he also heard the same thing at periodic times in the middle of the night, during the period [REDACTED] was seeing Officer Barber. [REDACTED] also stated she would hear Officer Barber's voice and [REDACTED] voice when she heard these sounds.

The [REDACTED] did not conclude that a [REDACTED] was not committed, but rather, the [REDACTED] was not concluded. As reflected in Captain Smith's report, Officer Barber's attorney, Ralph Cianflone, phoned him after the [REDACTED] and told him so. During this phone call, Captain Smith asked him again if Officer Barber would be willing to be interviewed. Captain Smith told the attorney that he was still conducting a [REDACTED]. The attorney told the captain that his client would say that he did [REDACTED]

FINDINGS:

I find the allegation that Officer Barber visited the complainants [REDACTED] apartment, on duty, on several occasions, for significant amounts of time, to be SUSTAINED for the following reasons:

1. Numerous witnesses describe him being there for hours on end, on duty.
2. Ofc Barber states in his report he was there numerous times on duty.

3. Although he states he was only there for his "lunch break" plus or minus 15 minutes, many witnesses contradict this, including [REDACTED] her son, her daughter, her upstairs neighbor, the neighbor [REDACTED] the street, the neighbor [REDACTED] the street, and the other neighbor [REDACTED] the street.

I find the allegation [REDACTED]
SUSTAINED, for the following reasons:

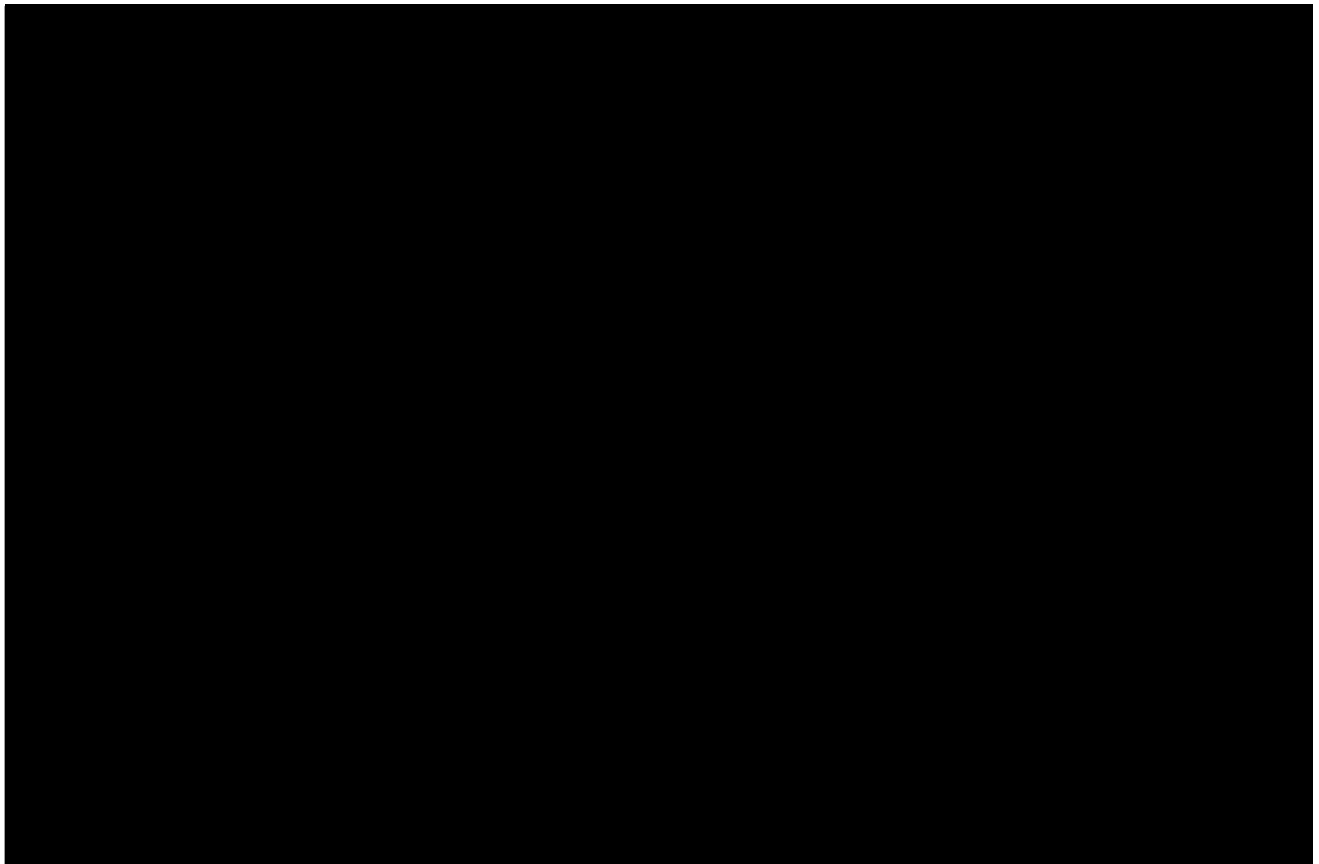
1. The gun was retrieved from [REDACTED] by Officer Barber's brother.
2. [REDACTED] claims she put it in her car, and that Officer Barber left it initially on the kitchen table. Officer Barber claims he put it in the car. Regardless, both he and she state that it was in [REDACTED] car and that she used this car to transport him to [REDACTED] for a [REDACTED]. [REDACTED] also states she had her [REDACTED] in the car when the gun was left in the car.
3. [REDACTED] also reported that Officer Barber would take off his duty belt and lay it over the arm of the couch, and sleep.

I find the allegation that Officer Barber had [REDACTED] residence on several different occasions, while on duty SUSTAINED, for the following reasons:

1. [REDACTED] and [REDACTED] reported hearing noises coming from [REDACTED] apartment, during times that [REDACTED] heard [REDACTED] voice and Ofc Barbers voices in [REDACTED]. [REDACTED] described these noises to me as [REDACTED] noises.
2. When Lt Grady moved the [REDACTED] into the wall repeatedly, I could easily hear it upstairs in [REDACTED] apartment.
3. When [REDACTED] heard this, she told me that is what she heard at times when she heard [REDACTED]

I find the allegation that on 15 November, Officer Barber was knocking on her doors and windows while on duty, to be SUSTAINED, for the following reasons:

1. [REDACTED] heard this. In fact, it woke her up.
2. The upstairs neighbor heard this.
3. Officer Barber phoned her repeatedly that morning, indicating his desire to contact her.
4. He ran [REDACTED] through CJIS at the same time he repeatedly called her that morning.
5. [REDACTED] said he told her from outside her window he wanted to speak to her about [REDACTED]
6. After she did not respond to his initial calls, he left a long message on her phone, as follows:



7. He sent the following text message to her at 0338 that morning: "good luck w/your NEW [REDACTED] Just hope I never have to say "I told you so!! Oh and tx 4 running ur mouth to my [REDACTED] w-ur B.S. Nice try!!-Bye!!

8. He indicated in his first report, when ordered to answer if he went to her apartment that morning that he did not.

9. In his second report, when he was asked more specifically if he went there at all, he states he did go there, and phoned her from his cruiser, which was on [REDACTED] Street.

I find the allegation that Officer Barber [REDACTED] down while on duty, [REDACTED] to be SUSTAINED, for the following reasons:

1. [REDACTED] told Lt Grady and I when we interviewed her about this. She told us that [REDACTED] had told her about and, and [REDACTED] told us that she observed had [REDACTED] on [REDACTED]

2. [REDACTED] appears to be a very credible witness. She actually reported this incident to [REDACTED] shortly after it happened. If she wanted to lie, she likely would have made more serious allegations. Rather, she said Officer Barber [REDACTED] but did not [REDACTED]

3. [REDACTED] never said there were any [REDACTED] [REDACTED] She explained in her interview with Lt Grady and I that she felt that there was a misunderstanding with her initial complaint. She could easily have made a [REDACTED] if she was a [REDACTED] [REDACTED] besides this, and the incident on the porch. In this case [REDACTED]

I find the allegation that Officer Barber placed [REDACTED] [REDACTED] on 19 November, to be substantially SUSTAINED, for the following reasons:

1. [REDACTED] appears to be a very credible witness. Again, if she wanted to get the officer in serious trouble, she could have made up a more serious allegation.

2. Ofc Barber had ample opportunity to state specifically what happened on the porch that morning. [REDACTED] statement about it [REDACTED]

3. Ofc Barber stated at the [REDACTED]

4. Although I substantially believe [REDACTED] version of what happened, her allegations must be considered in the full light of their off again, on again relationship in general, and how they became on again, when they were off again, in particular;

[REDACTED] stated that on every occasion except on 19 November that Officer Barber and her were "off again", the way they would get on again was that he would text her and either she would allow him over, or if she ignored his texts and/or calls, he would come to her house. He would bang on the windows to get her attention. On every one of these occasions that Officer Barber was able to get [REDACTED] to see him in person, she let him into the house. She said that on some of those occasions they [REDACTED]

5. Ofc Barber said at the [REDACTED] that she said [REDACTED] explained that this is in reference to [REDACTED]

[REDACTED] texted her while she was at the [REDACTED]

[REDACTED] told her that he was asked her hair was [REDACTED]

[REDACTED]

[REDACTED] by [REDACTED]

[REDACTED]

6. Although I believe that he [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. She said this was followed by [REDACTED]

[REDACTED]

[REDACTED]

8. This all happened after a non confrontational conversation between them, that had a non argumentative context, and as [REDACTED] turned to go back into her home.

9. There was at least one eyewitness to the [REDACTED] part of this incident, and [REDACTED] did not request her assistance.

10. Although [REDACTED] used the term [REDACTED] what she said happened is more consistent with an embrace from behind.

11. Although [REDACTED] states she told him [REDACTED] that this conduct was the conduct of a person trying [REDACTED] so to speak, rather than harmful conduct that would rise to the level of a [REDACTED]

12. If this was a stranger on a porch and Officer Barber approached the stranger, [REDACTED]
[REDACTED] However, in the context of their off again, on again relationship, I don't consider it [REDACTED] conduct.

I find the allegation that Officer Barber ran license plates and criminal records on several people for non police business, to be SUSTAINED, for the following reasons:

1. The records speak for themselves.
2. His paltry explanations for running the people he indicated he recalled running do not justify his running them, in accordance with departmental policy.
3. He stated "I have no clue" for others, such as [REDACTED]

I find the allegation that Officer Barber brought his [REDACTED] in his cruiser, repeatedly, while on duty, to be SUSTAINED, for the following reasons:

1. Dozens of eyewitnesses, both [REDACTED] Staff and [REDACTED] parents observed either the cruiser, the officer, or the [REDACTED] or all of the above, outside the [REDACTED] in the morning. Collectively, there were dozens of observations.

2. Officer Barber stated that he did so.

I find the allegation that Officer Barber was sleeping at the complainant's apartment on several occasions, while on duty, to be SUSTAINED, for the following reasons:

1. [REDACTED] saw him sleeping on the couch, and heard him snoring multiple times.
2. [REDACTED] saw him sleeping on the couch multiple times, with his duty belt draped over the arm of the couch.

In addition to the primary allegations, the following areas were also investigated, since they arose during the investigation:

1. Officer Barber's outside employment at [REDACTED]
2. Officer Barber's outside employment as a Realtor.
3. [REDACTED] having a Municipal Police Association sticker on her vehicle.

The findings for these areas are listed below:

I find that Officer Barber works for [REDACTED] by his own admission. There is no record in his personnel file that he is authorized for outside employment. However, the chief was aware of the employment and in fact spoke with Officer Barber at a police function, wherein Officer Barber was working for the company. The chief stated his understanding was that it was as a consultant rather than an employee, and that he approved Officer Barber being a consultant.

I find that Officer Barber worked for a realtor company, by his own admission, and although he reports that he has since [REDACTED] There is no record in his personnel file that he is authorized for this employment. However, the chief was aware of it and stated that it predated his command. Apparently, this was verbally approved by the prior chief.

In reference to outside employment, the departmental rules and regulations cover this in SECTION I D. 2. OUTSIDE EMPLOYMENT.

This section states that members other than the mechanic, shall not engage directly or indirectly in any other business or employment. However, the section it goes on to say that "these provisions shall not prevent such members from voluntarily accepting private employment in the nature of police work, subject to the prior approval of the Chief of Police".

It does not state the request must be made in writing. Additionally, the way it reads, engaging in any business or employment is prohibited unless it is "in the nature of police work", and approved in advance.

There are no chief's orders that govern this.

In practice, outside employment is allowed if there is no conflict of interest, and in practice, this is requested in writing, and approved in writing, and a copy of the request and approval is placed in the officer's personnel file. In reality, many officers have requested approval to engage in employment or business not related to the nature of police work.

In Officer Barber's case, approval was never requested nor granted in writing, for either job, but I see no outright violation of the rules and regulations, as written.

I recommend the rules and regulations be revised to reflect a written request and authorization prior to engaging in outside employment, or a chief's order that governs this, in the interim. Additionally, I recommend that if outside employment outside the nature of police work is to be allowed, that this be reflected in the rules and regulations.

I observed a Municipal Police Association sticker on [REDACTED] vehicle. I asked her how it got there. She said that Officer Barber placed it there. I told her to remove it. Officer Barber admitted in his ordered report that he placed it there. In accordance with Mass General Law, these stickers are for association members only.

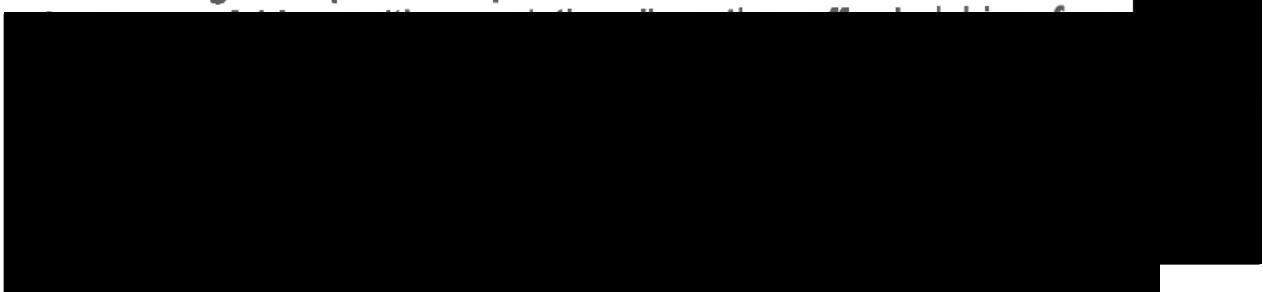
Additionally, I find that Officer Barber violated a direct order, for failing to directly and completely answer questions, as ordered in writing.

Officers should be made to report their location when dispatched for calls for service, in accordance with the rules and regulations.

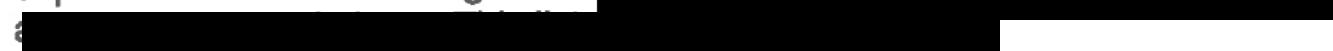
Officers should be required to notify dispatch when not on a call, and away from their cruiser for more than a moment, in accordance with the rules and regulations.

Officers should be required to notify dispatch when taking a 10-7 away from their cruiser, and notify dispatch when the 10-7 is completed.

This investigation paints a picture of an officer who has taken



There is just cause to believe that Officer Barber violated numerous rules and regulations of the Pittsfield Police Department. I have prepared a separate document listing the



The final attachment is a chronology of Officer Barber's internal affairs file.

RESPECTFULLY SUBMITTED,



PATRICK F. BARRY, DETECTIVE CAPTAIN
DETECTIVE BUREAU COMMANDER

V

**ORDERED REPORT OF CLARIFICATION OF QUESTIONS #16 &
17 ASKED OF ME ON 2/18/2011 BY THE PPD INTERNAL AFFAIRS
INVESTIGATION (PART 2 - Q & A)**

16.) Per conversations on this date, 2/23/2011, with Chief Michael Wynn, Officer Jeffrey Coco and myself concerning the re-answer of this question, it is understood that due to the lapse of time from the initial allegation (96 days), not having access to review the audio tape, or transcript, of my response from the 2 December, 2010, [REDACTED] Chief Wynn has agreed to allow me to invoke my Article 12 privileges and refer my answer to my audio taped response from that hearing. This agreement was made to ensure continuity of my response, to avoid any possible omissions and to expedite the completion of this investigation.

17.) Per conversations on this date, 2/23/2011, with Chief Michael Wynn, Officer Jeffrey Coco and myself concerning the re-answer of this question, it is understood that due to the lapse of time from the initial allegation (96 days), not having access to review the audio tape, or transcript, of my response from the 2 December, 2010, [REDACTED], Chief Wynn has agreed to allow me to invoke my Article 12 privileges and refer my answer to my audio taped response from that hearing. This agreement was made to ensure continuity of my response, to avoid any possible omissions and to expedite the completion of this investigation.

Respectfully submitted,


Officer Miles J. Barber
Patrolman #04791

**PITTSFIELD POLICE DEPARTMENT
DETECTIVE CAPTAIN PATRICK F. BARRY
REPORT TO THE CHIEF**

TO: OFFICER MILES BARBER

FEBRUARY 18TH, 2011

**RE: ORDERED REPORT (RE: INTERNAL INVESTIGATION INTO
COMPLAINT BY [REDACTED])**

You are respectfully ordered to answer additional questions, pursuant to the [REDACTED] complaint. You are required to answer all questions asked of you honestly and truthfully and to the best of your knowledge. You may also include any other information you deem pertinent.

Failure to obey this order, including failure to answer all questions asked of you honestly and truthfully and to the best of your knowledge, will result in discipline, up to and including termination. The intentional making of false statements or reports, and/or the intentional omission of significant pertinent facts is considered untruthfulness and will be treated as such.

This is an official departmental investigation and it is your duty as an employee of the Pittsfield Police Department to answer these questions truthfully, to the best of your knowledge, and directly.

You are ordered to answer these questions today. You may consult with a union representative about this order, and have a union representative with you. However, your union representative cannot answer these questions for you.

You may provide the answers verbally, by submitting to my verbal questions, or you may choose to be given a report containing the questions, and answer them by submitting your answers in report format.

Either way, you are ordered to provide these answers, to the best of your ability. If you choose to be verbally asked the questions, and verbally answer the questions, then the questioning will be audio and video recorded.

Furthermore, this entire interaction will be audio and video recorded if you want it to be, even if you receive the questions in writing and answer the questions in writing.

I have included a copy of my 19 January report with the questions you were ordered to answer then, and a copy of your 19 January report answering those questions, for your reference today.

You should consider this yet another opportunity to say anything else on your behalf you wish, or to write anything on your behalf that you wish.

The questions you are ordered to answer are attached. You should complete your report, if you chose to answer your questions in writing, by numbering your answers to correspond with the numbered questions. You are to give me the report upon completion.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Patrick F. Barry", written over the printed name.

**PATRICK F. BARRY, DETECTIVE CAPTAIN
DETECTIVE BUREAU COMMANDER**

1. Did you have departmental approval for your employment as a realtor?
If so, explain how you obtained approval, and who approved it.
2. Did you have departmental approval for your employment with [REDACTED]
[REDACTED] If so, explain how you obtained approval.
3. How did you get back your gun and duty belt, after your [REDACTED]?
4. What location did you report to dispatch, when dispatched for calls for service, during the times you were at [REDACTED] [REDACTED] Street residence?
5. Did you report your location to anyone when you were at [REDACTED]
6. Did you ever call in that you were on your 10-7, during the times you were at [REDACTED] If so, how did you do this?
7. During the times you were at [REDACTED] were you ever off your beat?
8. How did you assist [REDACTED] on several occasions with obtaining a [REDACTED] against [REDACTED]
9. What involvement did you have in assuring the department investigated the [REDACTED]?
10. What involvement did you have in getting the [REDACTED] served?
11. You were ordered on 19 January to answer the following question:
"How long did you stay at [REDACTED] apartment when you went there on duty?"

You answered " I would stay for my lunch break."

You are ordered to answer this question more specifically, stating how much time you spent there on the occasions you were there. Be as specific as you can regarding your duration, answering in time (i.e. hours/minutes), for all of the occasions you were there.

12. Did you ever [REDACTED] whether on duty or off?
13. Did you ever [REDACTED] you were at her apartment while on duty?

14. On 19 January you were ordered to answer the following question:

"Did you ever leave [REDACTED] messages on [REDACTED] voice mail?

You answered "Yes", to that question.

You are ordered to now document in your report the content of any [REDACTED] messages you left her, being as specific as you can.

15. On 19 January you were ordered to answer the following question:

"Did you leave [REDACTED] a voice mail [REDACTED] her that you would make her [REDACTED] If so, explain."

You answered "Yes" to that question. You are now ordered to document in your report the content of this message, being as specific as you can.

16. On 19 January you were ordered to answer the following question:

"On November 15, 2010 did you go to [REDACTED] apartment and try to let yourself in to the apartment? Did you bang on her windows to get her attention" If there were any other times you did this explain those times".

You answered "No. No. No" to those questions.

You are now ordered to document in your report if you went to [REDACTED] Street residence, even if you did not go inside, on 15 November, and if so, to document everything about this, including when you went there, how long you stayed, what you did while you were there.

You are also ordered to document if you were even on [REDACTED] Street on this day.

17. In reference to the incident on 19 November on [REDACTED] porch, you were ordered on 19 January to answer the following question in writing, about this:

"On November 19, 2010 were you involved in an incident with [REDACTED] on her front porch while you were on duty? If so, explain. Also explain [REDACTED]"

Your ordered reports states "No", to this question. You then wrote that "It was a friendly 5 minute conversation and there was [REDACTED] placed on [REDACTED]"

This answer indicates that although you answered "No", you had a conversation with her on the porch. You are ordered to explain in your report everything that happened that morning on her porch, to the best of your recollection, being as specific as you can about what time you arrived, what time you left, what was said, by whom, and the actions of yourself and [REDACTED]

You are also ordered to document any physical contact you had with her that morning, including any [REDACTED]

[REDACTED] Be sure to include the duration of any [REDACTED] contact you had with her, as well as the type.

18. During the times you gave your [REDACTED] a ride to [REDACTED] in the cruiser, where did you pick her up from?
19. During the times you were driving your cruiser to pick your [REDACTED] up to give her a ride to [REDACTED] or during the times your [REDACTED] was in

the cruiser while you were giving her a ride to [REDACTED] where you ever dispatched to a call for service?

20. If so, what location/s did you report to dispatch during these times?

21. On 19 January you were ordered to answer why you ran [REDACTED] and [REDACTED] on your MDT. You were also provided with the date and time you ran them; 11/15/10 at 0139 hours.

You answered that you ran [REDACTED] because you "thought this may be the vehicle of [REDACTED] who was reportedly [REDACTED] and [REDACTED] in 2000." You answered that you ran [REDACTED] "While checking [REDACTED] I ran this information also to check history".

You are ordered to state in your report why you thought "this may be the vehicle of [REDACTED] and to state where you observed this vehicle.

You are also ordered to state specifically why you ran the vehicle of [REDACTED]

You are also ordered to state specifically why you ran [REDACTED] at this time "to check history".

PART 2 - ORDERED REPORT OF ANSWERS TO QUESTIONS ASKED OF ME BY THE PPD INTERNAL AFFAIRS INVESTIGATION

1.) I became a [REDACTED] approximately May, 2004. Chief Riello was then in command and I do not recall if I, or the company I was working for, [REDACTED] and [REDACTED] ever gave written notification early on to inform him of my secondary employment. But, I do know that Chief Riello was well aware of my active status as a realtor during this entire time. The current and sole owner of the company since its inception is [REDACTED]. [REDACTED] had actually sold Chief Riello's residence located at [REDACTED] when he was ordered by Mayor Ruberto to move back to Pittsfield due to his status as Chief of the Pittsfield P.D.

Then, during the summer of 2006 or 2007, I was asked personally by Chief Riello to list and sell his 4-family residence located in the [REDACTED]. [REDACTED] I eventually sold his property to a [REDACTED] who was also the father of licensed realtor [REDACTED] who handled the buyer's end. [REDACTED] father-in-law, [REDACTED] owner of [REDACTED] completed the transaction of this purchase agreement.

Chief Riello consulted with me once again, approximately a year later, and asked me to search out condos for his [REDACTED]. He eventually did buy her a condo, but I believe he had purchased it directly through the listing agent.

2.) As for my "employment" status with [REDACTED] it was approximately 3 years ago while still a member of the BCSRT. I was approached by Lt. Bradford. He stated that the owners of [REDACTED] [REDACTED] [REDACTED], needed one of our officers to pose for pictures in full tactical gear and holding one of their shields. For this purpose, the company was going to make a life-sized, stand-alone cut out photo to bring to trade shows for advertising. In return, the BCSRT was given a FREE NIJ Level IIIA tactical shield (approximate retail value of \$1830.00) to keep for their cooperation and services.

Approximately 1 1/2 years later, the fall of 2009, I was contacted by [REDACTED] [REDACTED] to meet with them. They wanted to bring me on as a consultant so I could assist them with designing a better, safer and more user friendly vehicle which in turn would be a stronger selling point for their company. I then explained to the owners that due to conflict of interest and ethics laws in this state, I would first have to check with Boston. I then contacted the Ethics Commission in Boston and spoke with a female attorney who stated that I could perform consulting work, but if I did any sales then I could not advertise myself as a police officer due to these conflicts.

[REDACTED] [REDACTED] then drafted a letter concerning me assisting them at their business and sent it off to Chief Wynn to notify him of our intentions. As far as I have been advised, the [REDACTED] never received a response pro or con to this intention. Then during

the IACP Conference and Trade Show in Orlando FL, last October, I made Chief Wynn aware of my presence at this show through a text message. I let him know the booth I would be at and its location with the convention center. Chief Wynn did show up at this booth, sponsored exclusively by [REDACTED], and spoke with me and Chris [REDACTED]. Chris [REDACTED] then briefly reminded Chief Wynn of the letter that had been sent off to him and there was no dispute of this fact. We found there to be no issues at that time either. Chief Wynn wished us well and I continued on with the remainder of the show.

3.) After my brother, Tom, retrieved my gear from [REDACTED], he secured it at his residence. At a later time, while I was still out [REDACTED] he returned it to the station and secured it in my locker so it was available for my next tour of duty.

4.) Most times, even now, patrol does not respond with a current location when dispatched to a call. But, on the occasions that I did respond, I gave [REDACTED] St. as my location.

5.) No I did not because I was on my beat. This is past, current and ongoing practice when taking a 10-7. Officers, uniformed or otherwise, do not make it a practice of calling out their locations for lunch break. It is also past, current and ongoing practice that a 10-7 is not requested on Squad C due to the limited access to dining establishments and the hours this shift works in general.

6.) No I never recall advising dispatch that I was taking a 10-7 at [REDACTED] residence, [REDACTED], or while eating a bag lunch in my cruiser I had brought from home.

7.) I do not recall being off my beat while at [REDACTED] residence. I was typically assigned Auto 5 as my patrol beat during the 2010 year. This beat covers the area of [REDACTED] St.

8.) [REDACTED] was new to the process and I assisted her always off-duty the way I would have assisted any complainant as if I were to have been on-duty as far as giving the details. When [REDACTED] wanted to obtain a [REDACTED] [REDACTED] I informed her that she would need to contact the PPD and have an officer come to the house and give them her story. I also informed her that she would most likely be requested to go into the station to give a signed statement. When she requested a change to the [REDACTED] I informed her that she would need to go to court for this. To get more details on this entire case, please refer to all incident calls that were placed by [REDACTED] to the PPD.

9.) [REDACTED] was new to the process and I assisted her always **off-duty** the way I would have assisted any complainant if I were to have been on-duty as far as giving her the details. I came to the station I believe on 2 separate occasions and spoke with [REDACTED] and the officer handling the call. I explained the details, along with [REDACTED] what had transpired and then left the decision up to that officer and the desk sergeant.

10.) [REDACTED] was new to the process and I assisted her always **off-duty** the way I would have assisted any complainant as if I were to have been on-duty as far as giving the details. On this evening, I was assigned the front desk. I called Adams dispatch and spoke with Tony, who is also a dispatcher for the PPD. I explained that it was unclear as to where [REDACTED] was living. Since [REDACTED] has one parent that lives in Adams, and I believe the other lives in North Adams, I asked if they would send an officer to check the residence in their town so the [REDACTED] This is the same process we use for ALL of our [REDACTED] if we receive one from out of town, or need to send one out of town. We typically fax over a copy and have it ~~recorded~~ [REDACTED] by the presiding department, as other departments have us do the same.

11.) I would stay at [REDACTED] for my lunch break give or take 10 – 15 minutes, depending largely on how busy the shift was with call volume. To be very direct about this answer in particular, I never wanted to exceed that for the simple reason that I have never wanted to be sitting here answering this question as I am doing at this very time.

12.) I never [REDACTED] on-duty. As far as off-duty I am confused as to what this question has to do with policies and procedures? Does [REDACTED] own a [REDACTED] of [REDACTED] Yes she does. She even posted this comment on her Face book page, dated 11 January, 2011 at approximately 8:50 am. Comments followed shortly after this for "ALL" to read since she does NOT block the general public from having access to her face page as well. Her most recent boyfriend [REDACTED] even admitted to seeing [REDACTED] She even [REDACTED] on FB that her [REDACTED] in fact had them in her pocket while on their way to the [REDACTED] [REDACTED] spotted them hanging from her [REDACTED] pocket, just before going into the [REDACTED] and quickly took them from her [REDACTED]

13.) No I did not.

14.) Yes I did. From 11/08/10 at 2:47 pm to 11/09/10 at 2:42 am, I had received 12 separate [REDACTED] text messages from [REDACTED]. (Please refer to a copy of these messages which is attached to and made a part of this overall report). On the morning of November 9, 2010, shortly after receiving the 12th

consecutive text from [REDACTED] WITHOUT a response from me, I reacted to her taunts and her [REDACTED]. Please refer to Question #12 of 19 January, 2011 where I did give details previously to this very question and also attached a copy of the text messages on that day as well.

As for the specifics, I was [REDACTED] at the text messages that she kept sending and would NOT stop until she got a reaction from me. Finally, when she [REDACTED] [REDACTED] and then said she would post things on my Face book page such as that I had [REDACTED] and the like, I responded [REDACTED]. I must refer to question #15 for the details, which in fact, sound very close to what I had stated to her concerning my [REDACTED] of making her [REDACTED] [REDACTED]. As you can plainly tell, I NEVER acted on these [REDACTED] and NEVER had any intention. It has been more than 3 months and I have still NOT acted on any of these [REDACTED] and, again, still have no intentions to. I just wanted her to stop badgering me with her [REDACTED] text messages.

Please note that shortly after my message to [REDACTED] she in turn left a voice message on my phone. I still have her message saved on my phone. Less than an hour later, she sent me a text apologizing for her actions.

15.) Please refer to my response to Question #14 above. This is also my response to this question.

16.) Yes I did drive to her apartment on 15 November. Please refer to a taped copy [REDACTED] or about, 2 December, 2010. I drove to the front of the house and called her cell phone. She did not answer, though I could see her through the front window that she was awake inside the residence. I was parked in front of the residence for about 3 – 5 minutes and left a message for her requesting to speak with me. I then called back and wished her luck with her new boyfriend [REDACTED] a man she was seeing while she was also watching my [REDACTED] for me while I was out of town in Orlando, FL at the IACP Show. I told her that he did not have a [REDACTED]

[REDACTED] His brother [REDACTED] was also a [REDACTED] in Pittsfield, of which is information that [REDACTED] had informed ME about first. I then wished her good luck, and drove away.

17.) The question reads that [REDACTED] placed me in a [REDACTED] I am certain it was suppose to read the other way since this was [REDACTED]

As for my response, I would like to refer you to the taped copy of the [REDACTED] [REDACTED] on, or about, 2 December, 2010. This response goes into great detail about what transpired during our 5 minute meeting and conversation on her front porch on the morning of 19 November, 2010 at approximately 5:00 am. I responded "No" because

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**PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF**

Date: February 21, 2011

TO: Chief Wynn
Captain Barry
Captain Granger

FROM: Lieutenant Katherine M. O'Brien

RE: [REDACTED] complaint against Officer Miles Barber

SIR:

I am submitting the following report to answer questions that have arisen out of the above mentioned complaint against Officer Miles Barber. I have attached a copy of the Department Policy for the Use of Cell Phones. I believe I have sent out directives to personnel regarding other issues in this report. However, the Mail system is not accessible at this time, so I am not able to retrieve them. When I do, I will submit them to you.

1. Squad C officers are not required to call in their 10-7s, as a matter of course. If they are just stopping to get something to eat, with the expectation that they will be available to be sent on a call at any time, they do not call in. However, if they want to be unavailable for calls, they will call in.
2. They are not required to call in their location when they go 10-7.
3. Officers are not allowed to take two 10-7s during a shift.
4. ~~Squad C officers are allowed to go off their beats without notifying Dispatch, within~~
reason. They are expected to stay on their beats, but they are allowed to go off their beats to stop at an open store, meet with or backup another officer, or to assist on a developing call.
5. Squad C officers are assigned to a beat at the beginning of the shift change year. They share their beat with another officer. Usually, each of those officers will have the beat for 3 of their 4 days on. Rarely are there exceptions made to take an officer off his assigned beat. Commencing January 17, 2010, Officer Barber was assigned to the [REDACTED] Backup (105) for his first 3 days on duty, then as "detail officer" on his last day on. On Squad C, the [REDACTED] Street. Therefore, during any shift in which Officer Barber was assigned to 105, he would not have been off his beat if he had been at [REDACTED] St.

I have reviewed his beat assignments for the period from May 1 through November 19 and determined that he was assigned to Beat 105 most of the time. The following dates he was assigned to another beat:

5/2 101
5/19 103
5/26 104
6/13 106
7/31 102
8/12 104
9/12 106
9/23 104
10/11 104
10/30 104
11/16 104

5/8 101
5/20 101
6/1 103
7/7 102
8/6 104
8/18 104
9/17 106
9/29 104
10/17 101
11/4 104

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8/7 103
8/24 106
9/17 106
10/5 104
10/23 104
11/14 104

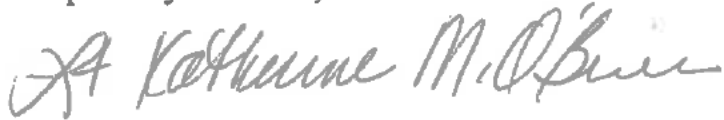
On Squad C [REDACTED] so any shift he was assigned to 101, 103, 104 or 106 he would have been off his beat if he were on [REDACTED]. I have attached a printout of his beat assignments from May 1 through November 19 to the end of this report.

6. As referenced in the above answer, the only times Officer Barber would have been on his beat if he was on outer [REDACTED], are when he was assigned to either 104 or 106.
7. Squad C officers are not required to notify Dispatch if they will be away from their cruisers for bathroom breaks, but they are required to notify either Dispatch or the Desk Sergeant if they will be out of service for longer periods of time.
8. Squad C officers, as every other member of the Patrol Division, are supposed to call in their locations when being sent on a call. In practice, however, this often does not occur.
9. Dispatch will triage calls that come in shortly before and after the start time for all oncoming shifts. If a call must be handled right away, the shift still on duty will be sent. If a call response can be delayed, the oncoming shift will handle it. All on-duty officers, however, know they can be dispatched to a call, regardless of the nature of the call until they go off duty, whether it's at 0830, 1630 or 0030.
10. There is no set time when calls for service will generally be transferred from one shift to the next. However, non-emergency calls coming in after 0755 will often be transferred to the next shift.
11. I have given permission to Officer Barber and every other Squad C officer, to have a personal cell phone on duty. (See attached Cell Phone Policy 4.18)
12. I know that he has provided us with the number.
13. The number he gave us is [REDACTED].

It is the practice of Squad C supervisors to give the personnel on this shift some latitude in dealing with their personal responsibilities while on duty. If an officer needs time to stop at home and take care of some personal business, and he/she notifies the sergeant or me, we will try to accommodate him/her. What we require is that we be notified, so that we are aware of the situation. Each instance is handled on a case by case basis.

In exchange for that latitude, the officers are obligated not to abuse it. We expect the officers to be conscientious and thorough in their work and to follow the Department's Rules and Regulations and Policies and Procedures. We also expect them to respect the trust we have conveyed on them when we gave them that latitude. If we find that the trust was misplaced on a single officer, every officer will forfeit the previously held autonomy, limited as it was.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Katherine M. O'Brien". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Lieutenant Katherine M O'Brien

**PITTSFIELD POLICE DEPARTMENT
DETECTIVE CAPTAIN PATRICK F. BARRY
REPORT TO THE CHIEF**

TO: LT O'BRIEN

20 FEBRUARY 2011

**RE: [REDACTED] COMPLAINT AGAINST OFFICER
MILES BARBER [REDACTED]**

Lt O'Brien, pursuant to the [REDACTED] complaint, and Ofc Barber's response to several questions, you are requested to submit a report answering the following questions:

1. Are squad C officers required to call in their 10-7's, other than when available for calls at [REDACTED]?
2. If so, are they required to report their location for the 10-7?
3. Are squad C officers allowed to take two 10-7's if they are available for calls during at least one of them?
4. Are squad C officers allowed to go off their beat without notifying dispatch, for a 10-7, or for any other reason?
5. During the period of 1 May – 20 Nov, 2010, would Officer Barber ever have been off his beat if he was at [REDACTED] street?
- ~~6. During the period of 1 May – 20 Nov, 2010, would Officer Barber ever have been off his beat if he was driving to outer [REDACTED] and then to [REDACTED]?~~
7. Are squad C officers required to notify dispatch when they are away from their cruiser for more than a minute or so, other than while at [REDACTED]?
8. Are squad C officers required to report their location to dispatch when dispatched for calls?
9. Are squad C officers normally not sent on calls after 0800 hours?

10. At what time of the day are calls for service normally given to squad A officers instead of squad C officers?
11. Did Ofc Barber have approval from his/her immediate supervisor to have personal cell phone on duty?
12. If so, did Ofc Barber provide that cell phone number to his/her immediate supervisor?
13. If so, what number did he provide?

If there are any squad C, or patrol division, policies or procedures, or orders, governing any of the above topics, please forward a copy to me. You can also submit your report to my attention when complete.

RESPECTFULLY SUBMITTED,



**PATRICK F. BARRY, DETECTIVE CAPTAIN
DETECTIVE BUREAU COMMANDER**

V

ORDERED REPORT OF CLARIFICATION OF QUESTION #15 ASKED OF ME BY
THE PPD INTERNAL AFFAIRS INVESTIGATION

15.) This question concerned an [REDACTED] that I had while on duty and at [REDACTED] residence located at [REDACTED] St. and what I had done with my duty belt and cruiser during this time.

My initial response while answering this question during the investigation on 1/19/2011, was that I had brought my duty belt with me to [REDACTED] and passed it along to another officer while I was being [REDACTED] early on in my 8 - 10 hour stay for [REDACTED]. In the meantime, while on my way to [REDACTED] under [REDACTED] assistance, I had also contacted Sgt. Mark Bushey to inform him of my current and immediate [REDACTED]. I also informed Sgt. Bushey that I had parked my cruiser outside of that location and that he informed me that he would have another officer retrieve the cruiser.

On Friday 2/11/2011 while working in the Detective Bureau in a modified duty capacity, Lt. Michael Grady, one of the I.A. investigating officers called me to the side and spoke with me specifically about this question. Lt. Grady asked me if I remembered who the officer was that met me at [REDACTED] on the date that I was [REDACTED] (8/24/2010). (I recall this date in particular due to a [REDACTED] that was filled per the [REDACTED] request). I immediately informed Lt. Grady that I believed it was Officer Christopher Whitney that had come to the [REDACTED] to retrieve my duty weapon, duty belt and ballistic vest. My response concluded our meeting at that time.

A short time later, on this same date (2/11/2011), I observed my brother, SRO Thomas Barber enter the Detective Bureau area and state that he was there to speak with Lt. Grady. Upon the completion of their meeting and what appeared to be a short report, I spoke briefly with Tom as he was leaving the Bureau. Tom informed me that he was summoned to write a report on the events that occurred on the morning when [REDACTED] had [REDACTED]. He informed me that it was he, himself, and not Officer Whitney that had retrieved my property due to the events of that morning. He reminded me that he had actually received a call from his, then, [REDACTED] who in turn informed him that [REDACTED] did in fact have my duty belt, sidearm and ballistic vest with her in her vehicle at her place of employment. A little while later, both Tom and [REDACTED] drove to [REDACTED] place of employment. They then met with her at her vehicle where she then removed my equipment and turned it over to Tom at that time.

After speaking with my brother Tom, I then called Officer Whitney and left a message on his cell phone. A short time later, upon his return call, I asked Officer Whitney about the same day in question. He informed me that he did not know what I was talking about and that he had nothing to do with this particular incident.

In light of speaking to both Officers Barber and Whitney, I did in fact recall more

specifically the details of what had happened once I had arrived at the [REDACTED] on the morning in question.

Shortly after speaking to Officer Barber and leaving a message for Officer Whitney, Lt. Grady called me to the side, once more, to speak with me further. Lt. Grady then asked me to write a statement concerning the morning in question at [REDACTED] and the facts to which I had passed my gear to Officer Whitney. I then informed Lt. Grady that upon speaking with my brother, Tom, I was mistaken as to how the events eventually unfolded at the [REDACTED] and to whom I had passed my gear to. I informed Lt. Grady that up to this point I had truly believed that Officer Whitney had come into the [REDACTED] and retrieved my gear and returned it to my duty locker at the PPD. At this time, Lt. Grady asked that I write a report detailing what I now remembered to be a more accurate account of the events that occurred on the morning in question (8/24/2011).

I specifically knew that the events on the date in question were recorded somewhere, somehow, due in part to my phone call to the desk sergeant about my [REDACTED] taking [REDACTED] time while on duty, being transported to the [REDACTED] and the initially request to have an officer retrieve my marked cruiser from its location on that morning. At no time did I attempt to lie or deceive the I.A. Investigators or the PPD as a whole. As well, even after having been questioned on 1/19/2011, when I prepared my answers in written form, I still did not take the extra measure of reaffirming my responses with Officers Barber or Whitney to verify that what I remembered as being the true facts and events were any different from what I still believed to be what had truly happened approximately 5 months prior.

The following is my statement of events that more accurately describes what took place on the morning of 8/24/2011: I recall being very [REDACTED] on that morning and after having performed my patrol duties over several hours I began to feel quite [REDACTED]. I tried different relief for the problem, but to no help. I eventually stopped by [REDACTED] residence on that morning. She, having been in the [REDACTED] for several years, I hoped had a possible remedy. A short time later, while still at her residence, I began to [REDACTED]. After approximately an hour of this [REDACTED] approximately 3 – 5 pounds worth all told. Due to this [REDACTED] I was having difficulty [REDACTED]. Due to my current condition I requested [REDACTED] possible.

I recall removing my duty belt and bullistic vest, in the meantime, to allow for a greater range of motion, and the ability to breath more freely. I then stepped into the front passenger side of her vehicle with my duty belt and bullistic vest. As we left the parking lot of her duplex enroute to [REDACTED], I observed my cruiser parked in front of the residence. I then placed a phone call to Sgt. Mark Bushey and informed him of my current [REDACTED] where I was headed and the location of my secured cruiser. Sgt. Bushey told me that they would be sending an officer down to retrieve the cruiser immediately.

On the way to the [REDACTED] I realized that I had [REDACTED] on several occasions. Upon arrival at [REDACTED] parking lot, I was in the process of getting my gear ready to take in with me. [REDACTED] stated that I should just leave my gear in the car and that she would contact my brother Tom through his [REDACTED] and have him pickup my gear from her directly. Once I exited [REDACTED] vehicle it took me much longer than normal to walk inside the front entrance and up to the [REDACTED] desk. [REDACTED]

from [REDACTED] at that time.

Respectfully submitted,


Officer Miles J. Barber
Patrolman #04791

**PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF
LIEUTENANT MICHAEL GRADY**

DATE: February 15, 2011 (Tuesday)

TO: Chief Michael Wynn
Captain Patrick Barry

FROM: Lieutenant Michael Grady

RE: Officer Miles Barber IA investigation

On February 11, 2011 at approximately 1215 hrs I advised Officer Miles Barber that I needed to speak with him. We went to the interview room. I advised Officer Miles Barber that I needed clarification on one of the answers that he had given in response to the questions he had been ordered to answer. I asked him about the night that he was [REDACTED] what did he do with his gun. Officer Miles Barber told me he believes he handed his gun off to Officer Whitney. I advised Officer Miles Barber that he may be ordered to leave me a report detailing that.

At approximately 1300 hrs Sergeant Strout and I spoke with Officer Thomas Barber. I asked Officer Thomas Barber if he was aware that there was an on-going investigation involving his brother Miles. He said he was. I asked Officer Thomas Barber if at any point he ever picked up Miles' gun. He said that he had. He told me one night Miles [REDACTED] Miles' gun that morning from [REDACTED] at her workplace. I ordered Officer Thomas Barber to leave me a report detailing the incident.

At approximately 1415 hrs I spoke with Officer Whitney. I asked him if he remembered responding to the [REDACTED] and taking Officer Miles Barber's gun. Officer Whitney stated he never went to the [REDACTED] and he never took control of Officer Miles Barber's gun. I ordered him to leave me a report when he arrived at work on Sunday detailing this.

At approximately 1530 hrs I ordered Officer Miles Barber to leave me a report detailing that he handed his gun off to Officer Whitney.

On February 13, 2011 I received an email from Officer Whitney stating that he had never picked up Officer Miles Barber's duty sidearm from [REDACTED]

On February 15, 2011 when I arrived at work there was an envelope on my desk that contained Officer Miles Barber's report explaining what he did his duty weapon on August 24, 2010.

Respectfully submitted,

Lt. Michael Grady

Lieutenant Michael Grady

Email Report Printed: 02/13/2011 @ 1011

Sent : 02/13/2011 @ 0759 By: Patrol Christopher Whitney

Subject: SIDEARM BEING PICKED UP

To: Lt. Grady

From: Officer Whitney

Date: 02/13/11

Re: Duty Sidearm (Ofc. M. Barber)

Lt. Grady,

I am documenting for you our phone conversation regarding Officer M. Barber's duty sidearm being turned over to me from his location at [REDACTED] sometime in the month of August 2010. I was not dispatched to, called to, or responded to [REDACTED] to see Officer Barber to retain his duty belt and duty sidearm. I have no recollection of this incident.

Respectfully Submitted,

Officer Christopher Whitney

TO: Lt. Grady

From: Officer Thomas R. Barber

Lt. Grady,

I am not sure of the date, but I got a call from a friend who said that Miles was at his girlfriend's house in the morning and became [REDACTED]. Miles was brought to the [REDACTED]. I was told that [REDACTED] had his duty belt and she was at her work. I went to her workplace and [REDACTED] came out to her vehicle. She then handed me his duty belt and ballistic vest. Miles service weapon was with his duty belt. I secured these items at my home until Miles was released from the [REDACTED].

Respectfully Submitted,

Thomas R. Barber 02-11-11

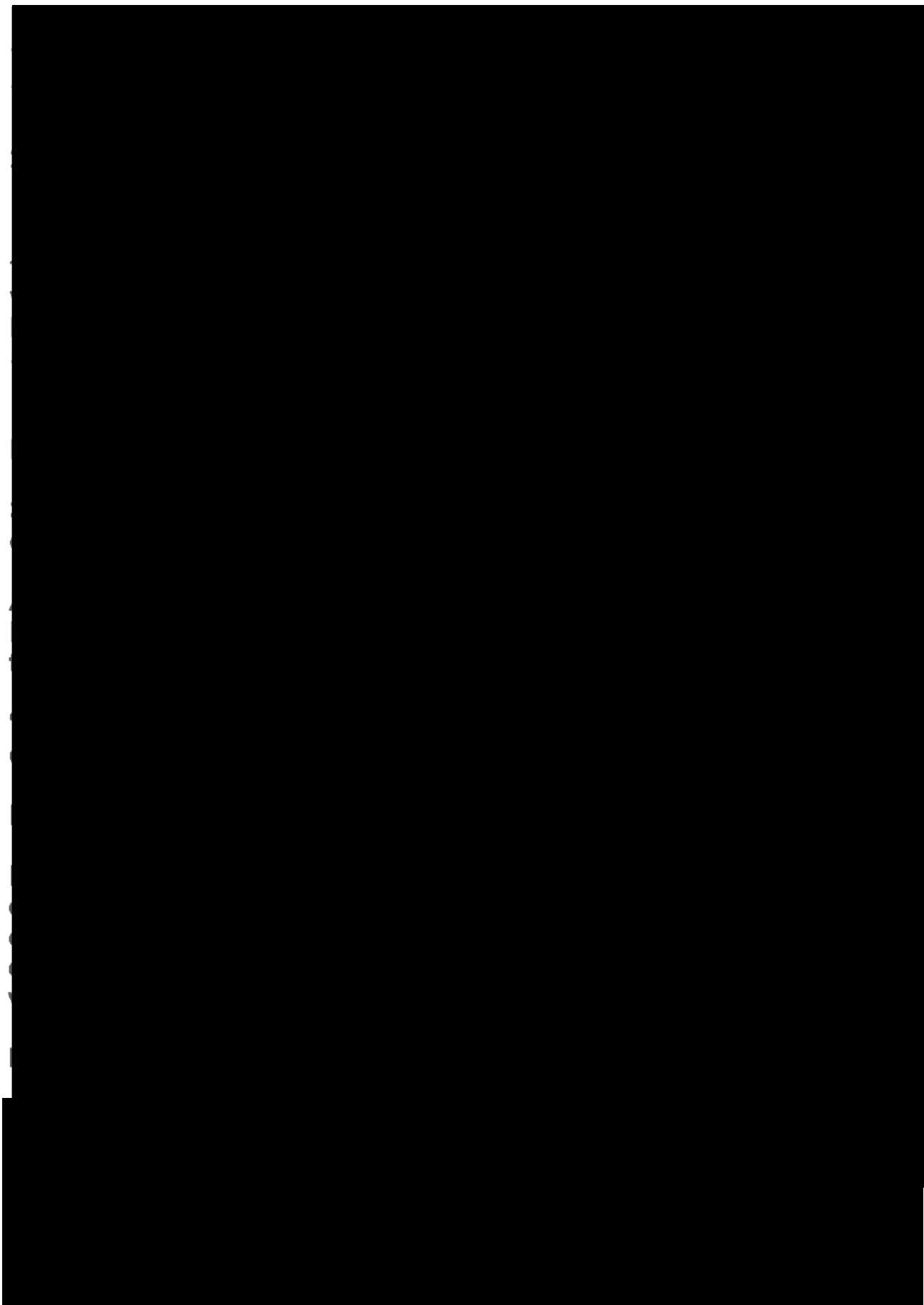
Officer Thomas R. Barber

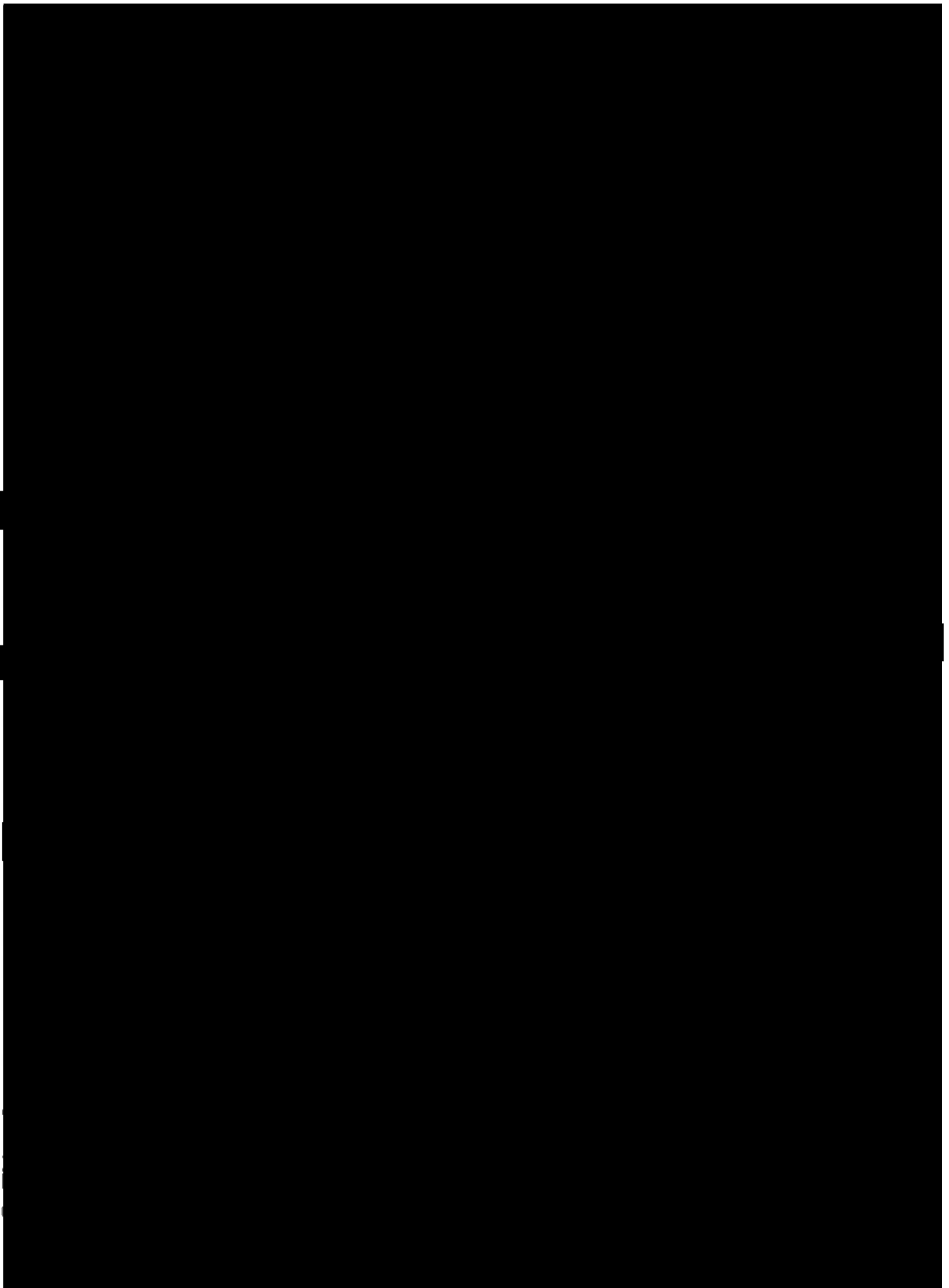
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[REDACTED]

[REDACTED]





[REDACTED]

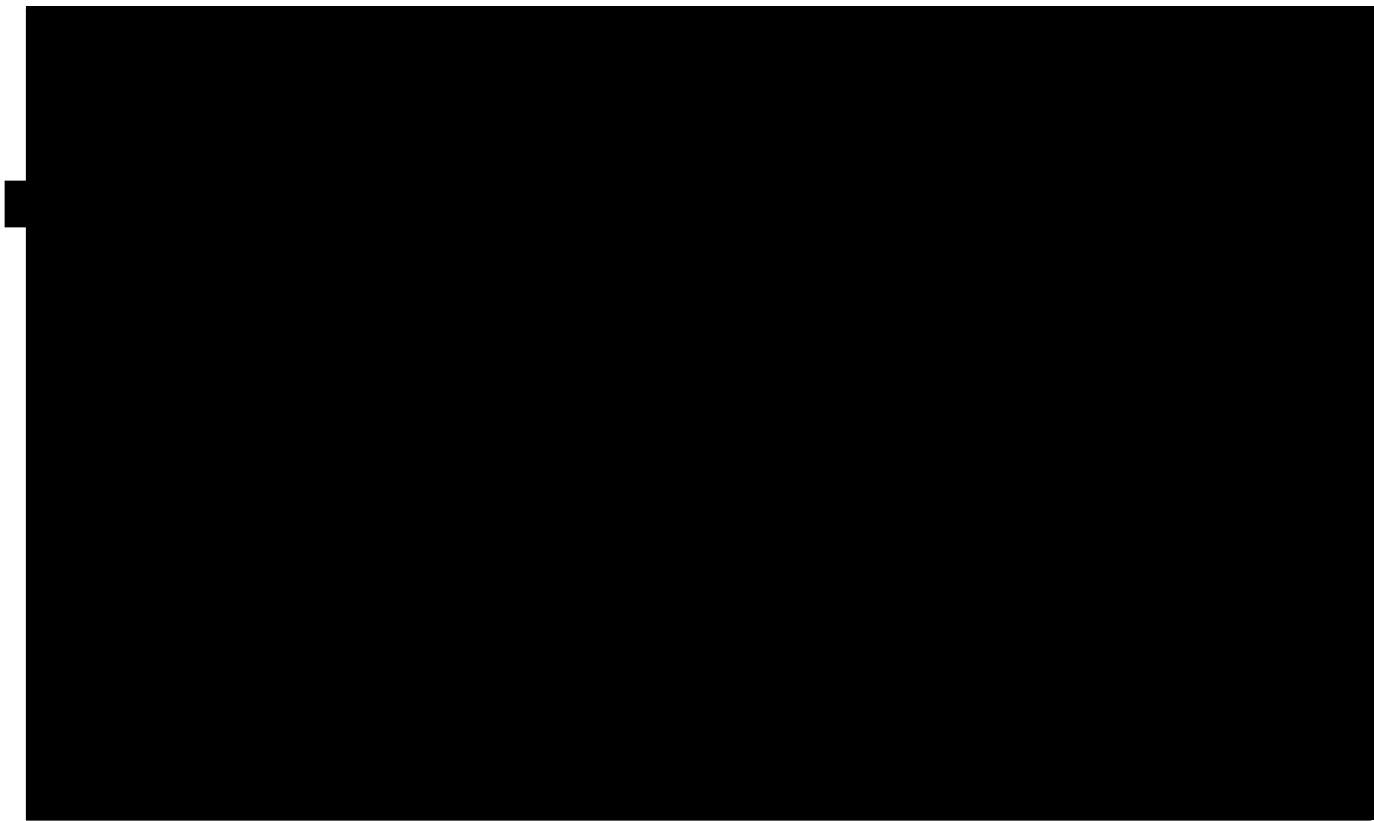
[REDACTED]

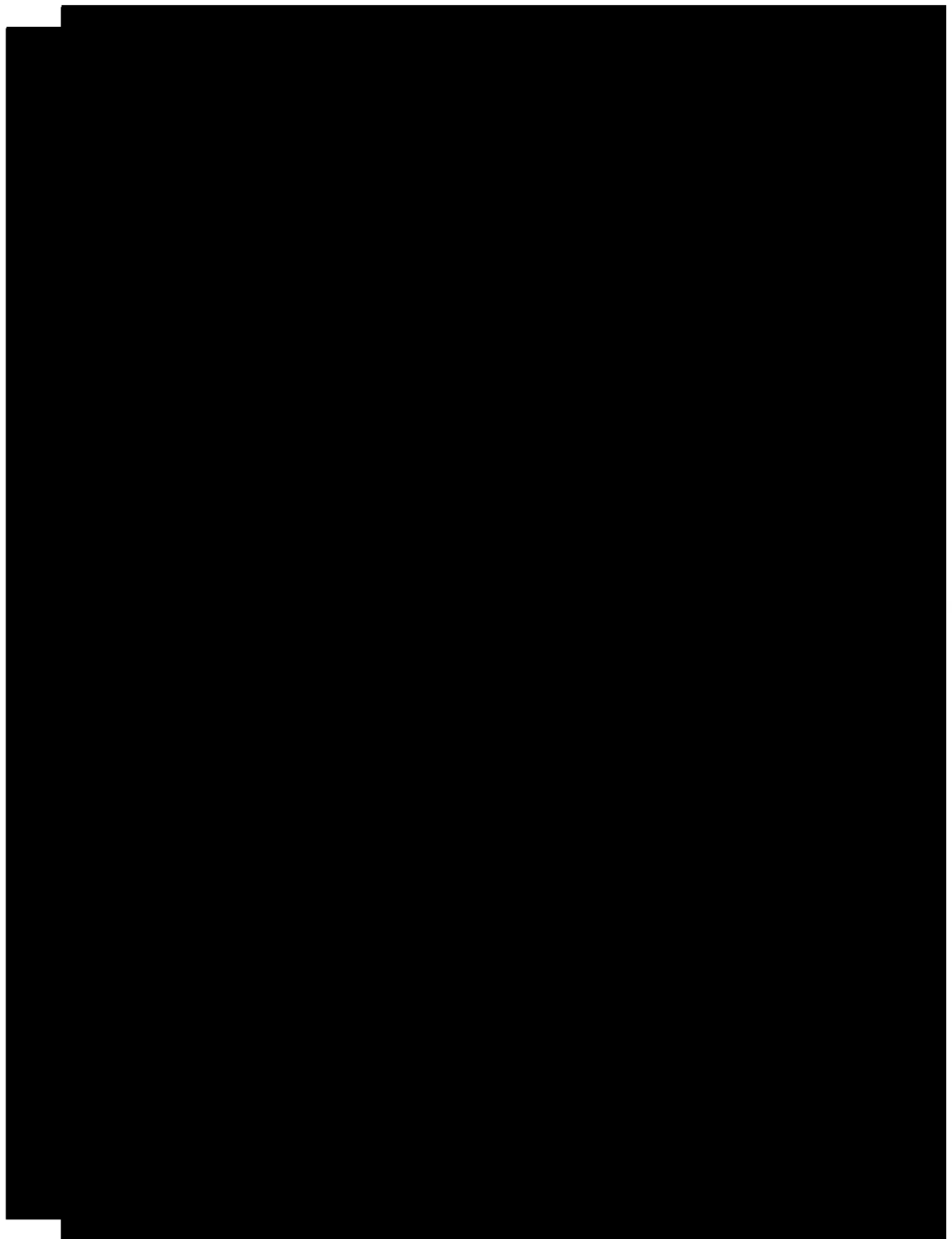
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





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**STATEMENT OF ALLEGATIONS
RESULTING FROM THE
[REDACTED] COMPLAINT AGAINST MILES BARBER**

Spending significant amounts of time at [REDACTED] Street residence, on duty, on several different dates.

[REDACTED] at her residence, on duty, on several different dates.

Sleeping on duty at her residence, on duty, on several different dates.

Leaving your duty belt and duty gun at her apartment.

Grabbing [REDACTED] cat in her apartment.

On November 15th, 2010, going to her apartment, on duty, trying to let yourself in, and banging on her bedroom windows to get her attention.

Going to her apartment, on duty, other times, and banging on her bedroom windows.

[REDACTED] on duty, in her apartment, [REDACTED]
[REDACTED]

On November 19th, 2010, going to her apartment on duty, and [REDACTED]
[REDACTED]

Bringing your [REDACTED] on duty, in your police car, on several different days, during 2010.

Accessing departmental data bases, and other data bases, and running criminal records checks, motor vehicle registration checks, and/or other checks on persons, for unofficial reasons.

Placing a Massachusetts Police Association decal on [REDACTED] vehicle.

**PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF**

Date: January 21, 2011

TO: Chief Wynn
Captain Granger
Captain Barry

RE: Officer Miles Barber

SIR:

Tonight, Lieutenant Michael Grady requested that I complete this report to corroborate a statement Officer Miles Barber made during a recent interview.

According to Lt Grady, Officer Barber admitted that he regularly took his "7" between 0300 and 0400, when he was on the street, at his girlfriend's home [REDACTED] St. Officer Barber and I were scheduled to work 2 days together and I do not recall him ever calling in between those hours that he was on his "7". In fact, I know that we never did *not* dispatch him during those hours if he was on the street and the call was on his beat. Last year his beat assignment was the [REDACTED] Backup 105. (Squad C personnel share a beat with another officer, each of them working that beat on 3 of their 4 days on. Their other day on they are "detail" officers, so they could be assigned to that beat or another.) We were often busy during that time and the [REDACTED] Backup unit would have been on many of those calls.

The [REDACTED] is open from about 0200-0300. Squad C officers often stop in to eat hot food during that hour, none of them calling in they are on their "7s" and all of them available for calls. I have spoken to other members of Squad C who go to the [REDACTED] for the food and have learned that Officer Barber habitually went there to eat during that hour.

Respectfully submitted,



Lieutenant Katherine M O'Brien

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PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF

DATE: January 19, 2010

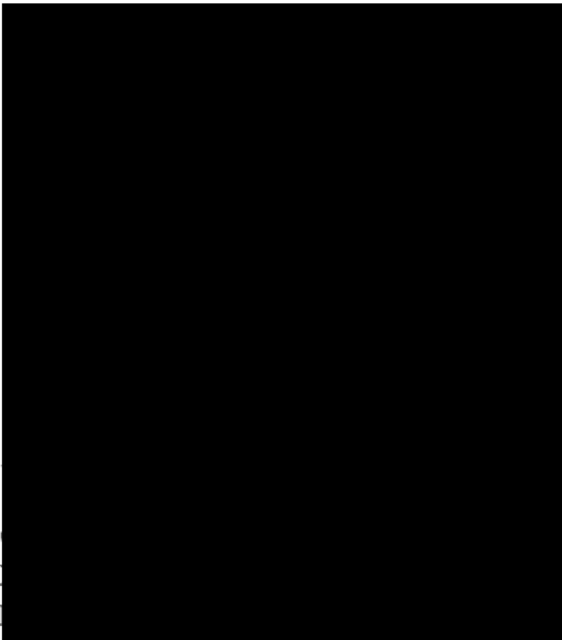
TO: Officer Miles Barber

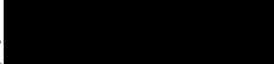
RE: Internal Investigation

You are ordered to leave a signed and typed report, answering these specific questions, pursuant to the [REDACTED] complaint. You are ordered to leave this report at this time, and deliver it to me upon completion. You may also include any other information you deem pertinent.

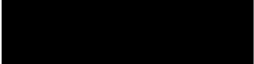
1. Were you in a relationship with [REDACTED]
2. When did the relationship with [REDACTED] start?
3. When did the relationship with [REDACTED] end?
4. Did you go to [REDACTED]'s apartment at [REDACTED] St. while you were on duty?
5. How often did you go to [REDACTED] apartment while you were on duty?
6. At what time did you go to [REDACTED] apartment while you were on duty?
7. How long did you stay at [REDACTED] apartment when you went there on duty?
8. Did you sleep at [REDACTED] apartment while you were on duty?
9. Did you have [REDACTED] with [REDACTED] while you were on duty?
10. Did you ever [REDACTED] [REDACTED] while you were at her apartment while on duty?

11. Did you ever leave [REDACTED] messages on [REDACTED] voice mail?
12. Did you leave [REDACTED] a voice mail [REDACTED] her that you would make her [REDACTED] If so, explain.
13. Did you ever leave [REDACTED] messages for [REDACTED] on her Facebook page? If so, explain.
14. Did you ever leave [REDACTED] messages for [REDACTED] via her email? If so, explain.
15. Did you ever get [REDACTED] while at [REDACTED] apartment while on duty? Did she drive you to the [REDACTED]? What did you do with your handgun when she brought you to the [REDACTED]? Where did you leave your police cruiser when you went to the [REDACTED]?
16. On November 15, 2010 did you go to [REDACTED] apartment and try to let yourself in to the apartment? Did you bang on her windows to get her attention? If there were any other times you did this explain those times.
17. On November 19, 2010 were you involved in an incident with [REDACTED] on her front porch while you were on duty? If so, explain. Also explain [REDACTED]
18. On November 19, 2010 do you recall parking on a side street off of East St. and watching [REDACTED] drive by?
19. Document any incident involving [REDACTED] cat in her apartment?
20. Did you bring your [REDACTED] while on duty in a police cruiser?
21. How often did you bring your [REDACTED] while on duty in a police cruiser?
22. Why did you run the following people on your cruiser's MDT?

Query Date	Time	Terminal	Name	DOB
5/2/2010	0259 hrs	cruiser		
5/23/2010	0547 hrs	cruiser		
5/29/2010	0157 hrs	cruiser		
6/1/2010	0137 hrs	cruiser		
6/10/2010	0110 hrs	cruiser		
6/22/2010	1128 hrs	cruiser		
7/6/2010	0214 hrs	cruiser		
7/6/2010	1048 hrs	cruiser		
7/9/2010	0557 hrs	cruiser		
8/7/2010	0427 hrs	cruiser		
8/9/2010	0214 hrs	cruiser		
8/9/2010	0219 hrs	cruiser		
8/21/2010	0031 hrs	cruiser		
8/24/2010	0302 hrs	cruiser		
11/15/2010	0139 hrs	cruiser		
11/15/2010	0139 hrs	cruiser		

23. Were you involved in an incident involving  on  front porch? Why did you run her through your cruiser's MDT?

24. Why did you run  information through your cruiser's MDT? Why did you run  information through your cruiser's MDT?

25. Why did you run  information through your cruiser's MDT?

26. Did you leave voicemail and send text messages detailing his history to 

27. How long have you worked at 

28. How many hours a week do you work at 

29. How are you compensated for your work at 

30. How long have you been a realtor?

31. Did you put a Massachusetts Police Association (MPA) decal on [REDACTED] vehicle?

32. How involved were you in the [REDACTED] for a [REDACTED]?

33. Did you follow [REDACTED] home from the [REDACTED]?

Richard F. Brown

ORDERED REPORT OF ANSWERS TO QUESTIONS ASKED OF ME BY
THE PPD INTERNAL AFFAIRS INVESTIGATION

- 1.) Yes.
- 2.) The end of May, 2010.
- 3.) Approximately November 8, 2010.
- 4.) Yes.
- 5.) I would stop by for my 10-7, 1-2 times a week.
- 6.) Sometimes between 3am and 4am. Other times I showed up around 6am to have breakfast with her and her [REDACTED].
- 7.) I would stay for my lunch break.
- 8.) I did take a rest break on [REDACTED] couch while in a seated position and in full uniform for the duration of my lunch break on several occasions.
- 9.) No.
- 10.) No.
- 11.) Yes.
- 12.) Yes – This was in direct reaction to a number of text messages she left me over a period of 14 hours, including calling my [REDACTED], she was going to post things on facebook stating that I had [REDACTED] stating that I will find no one to put up with [REDACTED]
[REDACTED] Please see attached text messages she sent to me.
- 13.) Not that I can recall.
- 14.) Not that I can recall.
- 15.) Yes. Yes. Brought my duty belt with me to [REDACTED] and passed it to another officer while I was being [REDACTED] I left the police cruiser parked on [REDACTED] St. and immediately contacted the desk Sgt. I believe it was Sgt. Mark Bushey, and notified him that I was on my way to [REDACTED] under [REDACTED] assistance and if he could have another officer retrieve my cruiser from its current location. I remained in the [REDACTED]

[REDACTED]

16.) No. No. No.

17.) No. It was a friendly 5 minute conversation and there was [REDACTED]

18.) No.

19.) While my [REDACTED] and I were visiting [REDACTED] and her [REDACTED] cat hissed then immediately clawed at my [REDACTED] and [REDACTED]. I picked up the cat and put it in common area hallway.

20.) Yes.

21.) 2-3 times a week due to having no one else to assist me with getting my [REDACTED] to [REDACTED] by 8:45am.

22.) [REDACTED] - vehicle in parking lot was unfamiliar.

[REDACTED] - observed unfamiliar vehicle parked on the sidewalk earlier, wrote down plate, then ran it when I had time.

[REDACTED] ex that was [REDACTED] to her repeatedly and I assisted her on several occasions with [REDACTED] and noting also his possible [REDACTED] repeatedly asked for my assistance with this entire process. I also have a saved message from [REDACTED] on one of these occasions.

[REDACTED] - I have no clue.

[REDACTED] - I have no clue.

[REDACTED] He had been involved in a motor vehicle accident on outer [REDACTED] St.

[REDACTED] - Street name is [REDACTED] I believed him to have had 3 or 4 expensive vehicles. Next door neighbor to [REDACTED] and checked to see if he had [REDACTED]. He reportedly was a [REDACTED] with all of these vehicles.

[REDACTED] reported that he had just [REDACTED] getting into the [REDACTED] where all [REDACTED]. He was also known to park his pickup truck at the end of [REDACTED] Street and [REDACTED] stated that he would do this to [REDACTED] with her. She also stated that he had [REDACTED] had [REDACTED] also reportedly been sending [REDACTED] and [REDACTED]

was also attempting to reunite a relationship with her. Also during a Live On The Lake concert, [REDACTED] stated that she was going to hand over/or retrieve their [REDACTED] to/from [REDACTED] while at the concert. I informed her that he would be in [REDACTED] of the [REDACTED]. [REDACTED] left the concert early. [REDACTED] walked around the concert area and on several occasions was making sure he walked passed me so I would notice him and pushing the edge of being disorderly. He was also [REDACTED] throughout this entire incident.

[REDACTED] – Uncertain of this and [REDACTED]. Some of the vehicles possibly belonged to one, while the other had the remaining vehicles.

[REDACTED] – Uncertain of who this person is.

[REDACTED] – Vehicle parked facing the wrong direction.

[REDACTED] – Appeared as though it may have been another of [REDACTED] vehicles in the parking lot. After running the plate, I realized it was [REDACTED] upstairs's neighbor of which I have also known for approximately 9 years.

[REDACTED] This was due to ongoing issues that [REDACTED] had with [REDACTED]. The vehicle was in the common driveway of the 2 multi-family buildings and thought it may belong to [REDACTED] and he might be [REDACTED].

[REDACTED] As I then drove slowly past the front porch, I observed [REDACTED] and [REDACTED] sitting and drinking on the front porch. [REDACTED] had also been keeping my [REDACTED] on several occasions throughout the last few months and I was also very concerned for my [REDACTED] safety and well being too.

[REDACTED] – No idea why, since running this plate previously, assumed him to be [REDACTED] brother that was temporarily living with his sister and family, upstairs.

[REDACTED] – I thought this may be the vehicle of [REDACTED] who was reportedly [REDACTED] in [REDACTED].

[REDACTED] – While checking [REDACTED] I ran this information also to check history.

23.) No. Please refer to answer above under [REDACTED]

24.) Please refer to answers above concerning [REDACTED] and [REDACTED]. One of these 2 individuals lived at that residence. He reportedly only worked a [REDACTED] but had 4 or more vehicles in his parking areas at any one time.

25.) [REDACTED] it was a man that [REDACTED] was seeing while I was away in Orlando, FL in late October. [REDACTED] was also assisting me and my [REDACTED] with watching my

[REDACTED] while I was away. This is one of the several reasons that I ended the relationship with [REDACTED]

26.) Yes. She and I had agreed to be friendly through this break up. I informed [REDACTED] of [REDACTED]. That he may be [REDACTED] [REDACTED] was, and to be careful.

27.) I have been a consultant for over a year. A letter was sent to Chief Wynn from the owners of [REDACTED] concerning this very situation. I also consulted with the Ethics Commission in Boston and spoke to one of their attorneys before entering into any kind of position with [REDACTED]

28.) Average about 15 - 20 hours a week pro bono.

29.) I am not on [REDACTED] payroll. I am attempting to establish a future for myself once I retire from the Pittsfield Police Department.

30.) I was a realtor for 6 ½ years. As of November 21, 2010, I [REDACTED]
[REDACTED]

31.) Yes.

32.) I had no active involvement. This [REDACTED] reportedly made by Officer David Potash.

33.) No.

*Respectfully submitted,
Ofc. Mike Parker #04791*

**PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF
LIEUTENANT MICHAEL GRADY**

DATE: December 7, 2010 (Tuesday)

TO: Chief Michael Wynn
Captain Patrick Barry

FROM: Lieutenant Michael Grady

RE: Officer Miles Barber IA investigation
Interview of [REDACTED]

On December 7, 2010 at approximately 1545 hrs Captain Barry and I went to [REDACTED] located at [REDACTED] St. We spoke with [REDACTED] about Miles Barber's employment there. [REDACTED] was also present. [REDACTED] told us the following:

- Miles has been with them for about a year.
- He works as a consultant and he is not paid.
- He made suggestions to improve the armored tactical vehicle.
- He has attended two conferences with the company. The NTOA trade show in Pittsburgh and the IACP trade show in Orlando. They paid for his expenses on the trips.
- He has done no bidding or selling on anything involving the City of Pittsfield.
- He has a company phone (Verizon).

Respectfully submitted,

Lt. Michael Grady

Lieutenant Michael Grady